

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 5, 1989

SESSION OF 1989

173RD OF THE GENERAL ASSEMBLY

No. 68

SENATE

TUESDAY, December 5, 1989.

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

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

PRAYER

The Chaplain, the Reverend Mr. TIMOTHY HOFFMAN, Pastor of Mt. Zion Evangelical Lutheran Church, Lewisberry, offered the following prayer:

As we have been entrusted with the care of God's world, let us pray a prayer written by Thomas Carlisle.

Help us to harness
the wind
the water
the sun
and all the ready
and renewable
sources of power.

Teach us to conserve
preserve
use wisely
the blessed treasures
of our wealth-stored earth.

Help us to share
Your bounty
not to waste it
or pervert it
into peril
for our children
or our neighbors
in other nations.

You who are life
and energy
and blessing,
teach us to reverence
and respect
Your tender world. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 4, 1989.

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION

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

Weekly Adjournment.

BILLS INTRODUCED AND REFERRED

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

December 4, 1989

Senators STAPLETON, HELFRICK, O'PAKE, BELL, DAWIDA, LYNCH, BELAN, STEWART, ANDREZESKI, AFFLERBACH, WENGER, STOUT, REIBMAN, MELLOW, PORTERFIELD, REGOLI, SCANLON, MUSTO, LINCOLN and ROSS presented to the Chair SB 1376, entitled:

An Act providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold or priced by weight; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, December 4, 1989.

Senators STAPLETON, HELFRICK, O'PAKE, BELL, DAWIDA, LYNCH, BELAN, STEWART, ANDREZESKI, AFFLERBACH, WENGER, STOUT, REIBMAN, MELLOW, PORTERFIELD, REGOLI, SCANLON, MUSTO, LINCOLN and ROSS presented to the Chair SB 1377, entitled:

An Act amending the act of May 11, 1949 (P. L. 1116, No. 330), entitled, as amended, "An act to regulate deliveries of light fuel oil to domestic customers;...." specifying information to be included on delivery tickets furnished to consumers; and further providing for penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 4, 1989.

Senators STAPLETON, HELFRICK, O'PAKE, BELL, DAWIDA, LYNCH, BELAN, STEWART, ANDREZESKI, AFFLERBACH, WENGER, STOUT, REIBMAN, MELLOW, PORTERFIELD, REGOLI, SCANLON, MUSTO, LINCOLN and ROSS presented to the Chair **SB 1378**, entitled:

An Act amending the act of May 5, 1921 (P. L. 389, No. 187), entitled "An act to regulate and control the manufacture, sale, offering for sale, giving away, and use of weights and measures and of weighing and measuring devices in the Commonwealth of Pennsylvania;....," defining certain terms; further providing for the approval of weights, measures and devices; increasing penalties; and making editorial changes.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, December 4, 1989.

Senators CORMAN, RHOADES, AFFLERBACH, STOUT and PECORA presented to the Chair **SB 1379**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for certain tax levies.

Which was committed to the Committee on LOCAL GOVERNMENT, December 4, 1989.

Senators CORMAN, RHOADES, AFFLERBACH, STOUT and PECORA presented to the Chair **SB 1380**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for certain tax levies.

Which was committed to the Committee on LOCAL GOVERNMENT, December 4, 1989.

Senators CORMAN, RHOADES, AFFLERBACH, STOUT and PECORA presented to the Chair **SB 1381**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for certain tax levies.

Which was committed to the Committee on LOCAL GOVERNMENT, December 4, 1989.

BILL SIGNED

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

HB 709.

REPORTS FROM COMMITTEES

Senator FISHER, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 649 (Pr. No. 1769) (Amended)

An Act establishing a Statewide hazardous material safety program; creating the Hazardous Material Response Fund; providing for the creation of Hazardous Materials Emergency Response Account in each county; further providing for the powers and duties of the Pennsylvania Emergency Management

Agency, of the Pennsylvania Emergency Council, and of the counties and local governments; imposing obligations on certain handlers of hazardous materials; imposing penalties; and making an appropriation.

HB 2009 (Pr. No. 2657)

An Act amending the act of November 18, 1968 (P. L. 1052, No. 322), known as the "Sewage Treatment Plant and Waterworks Operators' Certification Act," reestablishing the State Board for Certification of Sewage Treatment Plant and Waterworks Operators; and making editorial changes.

Senator GREENWOOD, from the Committee on Urban Affairs and Housing, reported the following bill:

HB 540 (Pr. No. 771)

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), known as the "Housing Finance Agency Law," continuing the Homeowner's Emergency Assistance program of the Pennsylvania Housing Finance Agency.

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

SB 952 (Pr. No. 1770) (Amended)

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing for the limitation of the prescription of amphetamines.

HB 1285 (Pr. No. 2830) (Amended)

An Act providing for the registration and reporting of certain noncontrolled substances; imposing additional powers and duties on the Secretary of Health; and fixing penalties.

HB 1615 (Pr. No. 2716)

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), referred to as the "Public Eating and Drinking Place Law," authorizing second class townships and certain home rule municipalities to license public eating and drinking places; and making editorial changes.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for a Capitol leave for Senator Rocks and a legislative leave for Senator Wilt.

Senator MELLOW. Mr. President, I ask for temporary Capitol leaves for Senator Afflerbach and Senator Jones, and I believe yesterday I requested a legislative leave for the week for Senator Stout.

The PRESIDENT. The gentleman is correct. Senator Stout will continue on legislative leave today. Senator Brightbill requests Capitol leave for Senator Rocks and a legislative leave for Senator Wilt. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach and Senator Jones.

Senator BRIGHTBILL. Mr. President, I would also ask for a legislative leave for Senator Bell.

The PRESIDENT. Senator Brightbill adds to that list a request for legislative leave for Senator Bell. The Chair hears no objections to these leave requests. These leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR**SB 1063 CALLED UP OUT OF ORDER**

SB 1063 (Pr. No. 1688) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1063 (Pr. No. 1688) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the payment of costs incurred in the apprehension, prosecution and detention of children who escape or commit crimes while under commitment in an approved delinquency program.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, prior to taking the roll call, may we place Senator Fattah on temporary Capitol leave.

The PRESIDENT. Senator Mellow asks temporary Capitol leave for Senator Fattah. The Chair hears no objection. The leave will be granted.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Shall the bill pass finally?

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

YEAS—49

Afflerbach	Greenleaf	Lynch	Rocks
Andrezski	Greenwood	Madigan	Salvatore
Armstrong	Helfrick	Mellow	Scanlon
Baker	Hess	Musto	Shaffer
Belan	Holl	O'Pake	Shumaker
Bell	Hopper	Pecora	Stapleton
Bodack	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	Leimond	Punt	Tilghman

Dawida	Lewis	Regoli	Wenger
Fattah	Lincoln	Reibman	Williams
Fisher	Loeper	Rhoades	Wilt
Fumo			

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS**GUESTS OF SENATOR EUGENE F.
PORTERFIELD PRESENTED TO SENATE**

Senator PORTERFIELD. Mr. President, in the gallery today are a couple of my constituents who are also elected officials who have come to Harrisburg to see the Senate and House in operation and the manner in which we conduct our governmental affairs. In the gallery today is Mr. Dave Todaro. David is the Mayor of the Borough of South Greensburg, and with him is Shane DeTore, a newly-elected Council Member of South Greensburg. His significance here I am sure you will see shortly. Shane is one of the youngest, if not the youngest, councilmen, elected to council at age eighteen from the Borough of South Greensburg. Mr. President, I ask that my colleagues give a warm welcome to my associates from Westmoreland County.

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

(Applause.)

**GUESTS OF SENATOR JOHN J. SHUMAKER
PRESENTED TO SENATE**

Senator SHUMAKER. Mr. President, in the gallery is seated Attorney Armando Salazar who is an instructor at the Academy of Medical Arts and Business, and with him is one of his paralegal classes. It is my pleasure to welcome them, and I would ask the Senate to give our usual warm welcome to Attorney Salazar and his paralegal class.

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

(Applause.)

SPECIAL ORDER OF BUSINESS**ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Game and Fisheries to meet during today's Session immediately upon the recess, before caucus in the Rules room for the purpose of considering House Bills No. 790 and 1892.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate, first, for a meeting of the Committee on Game and Fisheries to be followed by a Republican caucus in the Majority caucus room on the first floor beginning at 2:00 o'clock, with an expectation of trying to return to the floor by approximately 3:15 p.m.

Senator MELLOW. Mr. President, I would likewise request, upon conclusion of the meeting, that all Members of the Democrat caucus report to the caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR****PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

SB 1069 (Pr. No. 1260) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania Board of Probation and Parole for an intensive parole supervision program for the 1989-1990 fiscal year.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Lynch, Senator Stapleton and Senator Williams.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Lynch, Senator Stapleton and Senator Williams. The Chair hears no objection. Those leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair, recognizes the presence on the floor of Senator Rocks, Senator Jones and Senator Bell and their temporary Capitol leaves will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED**PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

SB 1356 (Pr. No. 1722) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1989 (P. L. . . ., No. 3A), entitled "General Appropriation Act of 1989," providing an increase in the appropriation for the Ben Franklin Partnership.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator FUMO. Mr. President, Senate Bill No. 1356 deals with putting an additional \$5 million into the Ben Franklin Partnership appropriation. That appropriation was negotiated in good faith with the leadership of all four caucuses, the appropriations chairmen of all four caucuses and, in fact, voted upon by this Chamber and the House Chamber, I believe unanimously. We recognize that in any budget process there are those entities that are going to be cut and those entities that are going to be added to, and at the end you yield a balanced budget. It was necessary in this particular instance to cut this \$5 million out, not because the program was not worthy of the money, but because this was an area we felt could withstand the hit in order to fund the other programs which we funded in that budget cycle. To revisit that negotiation now, I think, is certainly to some degree unethical and certainly not in the spirit of what we did in the budget process. I would also advise the Members that if, in fact, this were to be passed and sent to the Governor, it is going to force the Governor to hold up payments of other programs in other areas to balance the budget again. I would urge the Members to vote "no." I think we have an obligation, a moral obligation if nothing else, to keep the appropriation where we set it during the budget process.

Senator BELL. Mr. President, I was not one of those super Senators who were involved in the deals. I never relinquished my authorities as Senator to any of those super Senators. I do not consider myself bound by those deals.

Senator FUMO. Mr. President, if I may, in response to the gentleman from Delaware, Senator Bell. Although he is not one of the "super Senators," the Senator did, in fact, vote on the appropriations bill with this cut in it because it was a balanced budget. If he did not like it, he should have said it then. But it seems to me entirely unfair to now come back and want to put some more gingerbread and some fat into the budget when, in fact, he did vote "yes" that night on the budget bill. It appears to me he should have made his objection then. He is not part of any deal, no one is part of any deal. I said it was a negotiation process. The bill was brought to the full Senate. The full Senate considered the bill and voted on it with much to-do and much accolade, I believe.

Senator BELL. Mr. President, I am very much surprised that the gentleman from Philadelphia falsely said I voted for the appropriation bill. I voted "no."

Senator FUMO. Mr. President, well, if he did, I stand corrected, and I thank the gentleman. He probably should have voted "yes" because his district did do quite well.

Senator LOEPER. Mr. President, under the circumstances of the bill that is before us, normally, as one of the people who sat in those negotiations, held to accept the argument of the gentleman from Philadelphia, however, I think it is important that this circumstance may have changed somewhat in light of the fact that following the adoption of the General Fund budget for this fiscal year, the Ben Franklin Board met during July, in fact the 18th of July. The gentleman who serves as the Chairman of the Ben Franklin Partnership Fund, Secretary Cristman, who is the Secretary of Commerce, chaired a meeting at which the entire board passed a resolution that was delivered to both the Majority and Minority Chairmen of the House and Senate Committees on Appropriations urging them to take all action to restore that \$5 million. I would think, Mr. President, the Secretary of Commerce, as part of that negotiated budget settlement, would have felt it inappropriate to ask for that in light of that fact. However, since he saw fit to petition both the Minority and Majority Chairmen of the House and Senate Committees on Appropriations and I believe by a letter dated August 16th transmitted to the gentleman from Montgomery, Senator Tilghman, as Chairman of the Committee on Appropriations, for that request, therefore, an affirmative vote would be in order.

Senator AFFLERBACH. Mr. President, I am going to urge opposition to this bill because, frankly, there are some serious concerns that have arisen with the Ben Franklin Partnership program. As an individual who was a staff member in this Chamber some ten years ago when the program was conceived and one who worked upon the translation of that conception into actual law, I remember quite well that we viewed the program as one to foster the entrepreneurial spirit, to foster the spirit of cooperation and enterprise among our universities and businesses, among the public and private sector, if you will. There certainly was no intention to turn the program into an entitlement program, but there is great concern among several of us, not only in this Chamber but in the public, that that is exactly what the program is becoming, an entitlement

program for only a very few select individuals or organizations, if you will, to keep coming back time after time after time for funding through the program. We believe the program should be thoroughly evaluated and if that, in fact, has been the case, it is not what the program was intended to be and there are corrections that need to be made. Furthermore, when the Legislative Budget and Finance Committee did an audit on the program a bit more than a year ago, there were a number of questions that were raised about audit trails and whether or not, in fact, those audit trails were properly kept, whether or not the number of jobs that the program claims to have, in fact, created were created, whether or not the funds have been appropriately spent as the applications said they would be spent, and on and on and on. I think the program has been good for Pennsylvania. I think it can be good for Pennsylvania again. I have cosponsored the bill before us as a show of good faith to the program, and if, in fact, they are able to address the concerns that are being raised on an almost daily basis, there is a vehicle in place to restore adequate funding. But I think it is premature to restore that funding at this time and, therefore, I would urge a "no" vote on the bill pending the addressing of the concerns I have listed.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Hess	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

NAYS—22

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

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

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

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED**RECONSIDERATION OF SB 1069****BILL ON FINAL PASSAGE**

SB 1069 (Pr. No. 1260) — Senator MELLOW. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1069, Printer's No. 1260, just passed finally.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would like to ask for Capitol leaves for Senator Corman, Senator Jubelirer, Senator Loeper and Senator Hopper.

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

And the question recurring,
Shall the bill pass finally?

Senator FUMO. Mr. President, this bill, Senate Bill No. 1069, along with others that we will probably be addressing today, is part of a package put forth by the Majority to allegedly deal with the overcrowding prison situation. While its ends are laudable, it is again a question of negotiations for the budget. It is a question of, if not negotiations, certainly a question for the budget process. Do we or do we not have the money available to fund these programs? Also, Mr. President, this bill is part of a six-bill package, one of which we can support because that one in particular does free up some new beds for the state system, and that is Senate Bill No. 1072. But the rest of these bills, and we will deal with them as they come up, are—I should not use the word lightly when I say merely but they are—merely aid to the counties, and recognizing that the counties need that aid is one issue. Finding a way to pay for that aid is another one. I submit that this is not the time or the way in which to do it and, certainly, if we are concerned about prison overcrowding at the state system, and, obviously, these are somewhat in reaction to the Camp Hill situation, the only one that does anything for the state situation is Senate Bill No. 1072. We intend to support that. But, as far as the rest of these, Mr. President, we think that this adds up to approximately \$14 million a year, and if we want to give that kind of aid to the counties, let us address it up front during the budget process when we have all the other pressing needs of the Commonwealth confronting us as well as the fiscal revenue constraints. For that reason, I would urge my colleagues to vote "no" as, again, we are not against the intent of the bill, we are against the cost of the bill at this time.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

Senator FISHER. Mr. President, I rise in support of Senate Bill No. 1069. As the gentleman from Philadelphia, Senator Fumo, has indicated, this bill is part of a package which I introduced, together with a number of my other colleagues on both sides of the aisle, back in June of 1989, a long time before the riots at Camp Hill and the riots at Huntingdon. In fact, this bill is similar to a bill which had been introduced in the last Session and is one of the recommendations that was made a few years ago by the Pennsylvania Commission on Crime and Delinquency's Prison and Jail Overcrowding Task Force as one of the ways in which Pennsylvania could sensibly look at the problems of prison and jail overcrowding, not only in the county system, but also in the state system. This bill calls for what I believe to be a modest expenditure of funds to get an intensive parole supervision program started, not for the counties but for the state system. It is a bill which is part of the package. We passed a couple of bills of the package last week, and there are other bills that are on our Calendar today. I believe it is a sensible approach. Yes, it does have some fiscal implications but, obviously, the riot at Camp Hill has a severe fiscal implication for this Commonwealth. I think it is time that we begin to seriously address the problems of our prison system. This is one way to do it, and I would urge the support of all of the Members, not just the Members on this side of the aisle but the Members on the other side of the aisle, for Senate Bill No. 1069.

Senator LINCOLN. Mr. President, I am really sorry to see what we are trying to do here tonight. I have been a Member of the process in putting together the budget now for six years, three under the Thornburgh Administration and three now under Casey. We have had the excruciating, time-consuming effort put forth by both parties in this Chamber and both parties in the House, and we have to exclude an awful lot of well-meaning programs because we have to design a budget that is within the confines of what is available to be spent. I resent the Majority Party coming here this evening with these pie-in-the-sky ideas that are very sexy back home that spend money, because during the three years that the Thornburgh Administration was in office that I was a part of this process, not one time did the Democrats in the Senate, at any time between the end of the budget year and the beginning of the next budget year, offer amendments that would have been very difficult for Republicans to vote against that would have been politically beneficial to the Democrat Party at that time. This is not the way to do business when you have trust in one another. These issues could have been resolved back at budget time if we had the funds or we were willing to cut out some other well-meaning program. If this is going to be the type of atmosphere in which we are going to conduct these Sessions between now and the next budget, then I am disappointed. I have to say that everything was done in good faith, although I should have known that we made an agreement and we came out here about 3:00 in the morning the night we passed the budget, and the Republican Party tried to back off of that

agreement that night by not voting for one of the issues that raised \$10 million and was very vital in funding a balanced budget.

It would be very easy and very irresponsible for all of us to stand on this floor and vote to spend money and spend money and spend money. If you want in ten minutes for me to give you \$150 million worth of very worthwhile things that have not been able to be funded because of not having the funds, I will do that. But I do not believe this is the direction we ought to be going in as a Body, and I really resent the fact that we are starting to see the cracks in a budget compromise only five months into the new fiscal year. I would ask that you be responsible and vote "no" on this particular bill.

And the question recurring,
Shall the bill pass finally?

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

YEAS—28

Armstrong	Greenwood	Lewis	Rocks
Baker	Helfrick	Loeper	Salvatore
Bell	Hess	Madigan	Shaffer
Brightbill	Holl	Pecora	Shumaker
Corman	Hopper	Peterson	Tilghman
Fisher	Jubelirer	Punt	Wenger
Greenleaf	Lemmond	Rhoades	Wilt

NAYS—21

Afflerbach	Fumo	Musto	Scanlon
Andrezeski	Jones	O'Pake	Stapleton
Belan	Lincoln	Porterfield	Stewart
Bodack	Lynch	Regoli	Stout
Dawida	Mellow	Reibman	Williams
Fattah			

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

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

BILLS OVER IN ORDER

SB 183, 184, 185 and HB 491 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AMENDED

SB 594 (Pr. No. 1687) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing and adding provisions relating to the selection of justices and judges.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A4011:

Amend Sec. 1, page 1, line 11, by inserting after "AMENDED": and the section be amended by adding a subsection

Amend Sec. 1 (Sec. 8), page 2, by inserting between lines 25 and 26:

(d) An individual nominated as a justice or a judge who does not receive a confirmation vote of two-thirds of the members elected to the Senate shall not thereafter be nominated by the Governor to the same court during the one-year period following the vote of the Senate.

Amend Sec. 1 (Sec. 13), page 3, lines 21 and 22, by striking out "the list" and inserting: a list submitted by the Judicial Nominating Commission

Amend Sec. 1 (Sec. 13), page 5, line 8, by inserting brackets before and after "justice or"

Amend Sec. 1 (Sec. 14), page 6, line 29, by inserting after "ALTERNATES": who also shall be judges of the courts of common pleas who

Amend Sec. 1 (Sec. 14), page 9, line 1, by striking out "PROCEED" and inserting: begin

Amend Sec. 1 (Sec. 14), page 9, line 3, by inserting a comma after "five"

Amend Sec. 1 (Sec. 14), page 9, line 4, by inserting a comma after "seven"

Amend Sec. 1 (Sec. 14), page 10, line 24, by inserting after "COURT": and no more than two of whom shall be enrolled in the same political party

Amend Sec. 1 (Sec. 14), page 11, by inserting between lines 29 and 30:

(j) Not less than five years after adoption of an appointive system for court of common pleas judges, upon petition to the appropriate election officials by 5% or more of the registered electors in the judicial district, the electors in that judicial district may determine, at the next general election more than 70 days after the petition is filed with the appropriate election officials in such manner as shall be provided by statute, whether or not to return to an elective system for court of common pleas judges as set forth in section 13(c).

Amend Sec. 1 (Sec. 15), page 12, line 5, by inserting brackets before and after "The" and inserting immediately thereafter: Except as provided in section 13(f), the

Amend Sec. 1 (Sec. 15), page 12, line 14, by inserting after "elected": or appointed

Amend Sec. 1 (Sec. 15), page 12, line 14, by inserting after "13(c)": or (d)

Amend Bill, page 13, lines 8 through 14, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

The PRESIDENT. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Mr. President.

Senator MELLOW. Mr. President, when we discussed this amendment in caucus, we thought it might have been technical in nature, but now after having read the amendment, it appears to be just a little bit more than technical. Could Senator Greenleaf explain to us exactly what the amendment does?

Senator GREENLEAF. Yes, Mr. President, he is correct. Earlier in the day the amendment dealt merely with technical matters to correct and to rearrange the sections of the bill. After our caucus, the Republican caucus decided to add one additional clause which was not just technical, and that provi-

sion provides that in this bill it is not mandatory to have merit selection in Common Pleas Courts in individual counties and that only after a referendum could those counties choose to go to merit selection for the appointment of Common Pleas Court judges. During our discussions it was brought out that there was no way in which a county could then opt out later from the merit selection process if they so desired. So, the technical amendment has now had that provision added to it, which would now allow that after five years, if they do decide to opt into a merit selection procedure and five percent of the registered electors petition, they may then decide to opt out of the merit selection procedure if they so desire. That is the change that has been added to the technical amendment.

Senator MELLOW. So, basically what we are talking about, Mr. President, is a provision where a county that has opted in for merit selection after a five-year period of time then could go ahead and opt out?

Senator GREENLEAF. Yes, Mr. President, it gives them the alternative. There is no alternative now in the bill for a county to opt out if they decide they do not like merit selection procedure. This would allow them to opt out if they wanted to. It is only for county judges.

Senator MELLOW. Mr. President, we feel that, then, would be an agreed-to amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. Senate Bill No. 594 will go over in its order, as amended.

HB 652 (Pr. No. 720) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juvenile appearances before district justices.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL, on behalf of Senator LOEPER, by unanimous consent, offered the following amendment No. A3995:

Amend Sec. 1 (Sec. 1522), page 2, line 25, by inserting after "juvenile": and whether the police have notified the parents or legal guardian

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 718 (Pr. No. 1706) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for community corrections programs as sentencing alternatives; conferring powers and duties on the Pennsylvania Commission on Crime and Delinquency; and making an appropriation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO, by unanimous consent, offered the following amendment No. A3724:

Amend Title, page 1, line 3, by striking out "Commission on Crime and Delinquency" and inserting: Board of Probation and Parole

Amend Sec. 2, page 1, lines 16 and 17, by striking out all of said lines

Amend Sec. 2, page 2, by inserting between lines 17 and 18: "Parole board." The Pennsylvania Board of Probation and Parole.

Amend Sec. 5, page 6, line 11, by striking out "commission" and inserting: parole board

Amend Sec. 6, page 7, line 6, by striking out "commission" and inserting: parole board

Amend Sec. 6, page 7, line 11, by striking out "commission" and inserting: parole board

Amend Sec. 6, page 7, line 12, by striking out "commission" where it appears the first time and inserting: parole board

Amend Sec. 6, page 7, line 12, by striking out "commission" where it appears the second time and inserting: parole board

Amend Sec. 7, page 7, line 22, by striking out "Commission" and inserting: Parole board

Amend Sec. 7, page 7, line 23, by striking out "commission" and inserting: parole board

Amend Sec. 7, page 8, line 1, by striking out all of said line and inserting: parole board.

Amend Sec. 8, page 8, line 20, by striking out "COMMISSION" and inserting: parole board

Amend Sec. 8, page 9, line 6, by striking out "commission" and inserting: parole board

Amend Sec. 9, page 10, line 1, by striking out "commission" and inserting: parole board

Amend Sec. 10, page 10, line 5, by striking out "commission" and inserting: parole board

Amend Sec. 10, page 10, line 7, by striking out "commission" and inserting: parole board

Amend Sec. 10, page 10, line 8, by striking out "commission" and inserting: parole board

Amend Sec. 10, page 10, line 11, by striking out "commission" and inserting: parole board

Amend Sec. 10, page 10, line 12, by striking out "commission" and inserting: parole board

Amend Sec. 10, page 10, line 15, by striking out "commission" and inserting: parole board

Amend Sec. 10, page 10, line 17, by striking out "commission" and inserting: parole board

Amend Sec. 10, page 10, line 18, by striking out "commission" and inserting: parole board

Amend Sec. 11, page 10, line 22, by striking out "Commission on Crime and Delinquency" and inserting: Board of Probation and Parole

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, this amendment basically deals with a management issue. Currently the bill calls for the appropriation to go to the Pennsylvania Commission on

Crime and Delinquency, and during the process of that, that Commission has to refer back to the Pennsylvania Board of Probation and Parole for its guidelines and policy and things of that nature. It occurred to me and others that the more prudent way to do this, rather than duplicate bureaucracies, is to leave all of these programs under the Pennsylvania Board of Probation and Parole and have one centralized agency rather than splitting it up and creating another bureaucratic entity that is going to get involved in this. I recognize that the Commission on Crime and Delinquency already is created, but now we are going to be expanding their jurisdiction and also at the same time force them to go back and consult with the Board of Probation and Parole anyway. It appears that it would be much more easily managed if it remained in the Board of Probation and Parole.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—23

Afflerbach	Fumo	O'Pake	Stapleton
Andrezski	Jones	Porterfield	Stewart
Belan	Lincoln	Regoli	Stout
Bodack	Lynch	Reibman	Tilghman
Dawida	Mellow	Scanlon	Williams
Fattah	Musto	Shumaker	

NAYS—26

Armstrong	Greenwood	Lewis	Rhoades
Baker	Helfrick	Loeper	Rocks
Bell	Hess	Madigan	Salvatore
Brightbill	Holl	Pecora	Shaffer
Corman	Hopper	Peterson	Wenger
Fisher	Jubelirer	Punt	Wilt
Greenleaf	Lemmond		

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

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

Senator FUMO. Mr. President, Senate Bill No. 718 is again part of the package that has been put forth by the Majority. Senate Bill No. 718 will cost us \$2.5 million this year and \$5 million next year and will not add one additional bed or cell, or whatever you want to call it, to the state prison system. Again, I think these programs are all laudable. They do not help us out of the bind that we are in in Pennsylvania in our state correctional system, and I think if we have money to

spend, we ought to be looking to take care of our problems at the state level first.

Also, Mr. President, for the benefit of the gentleman from Delaware, Senator Bell, I would urge him to read the Legislative Journal of June 30, 1989, pages 1040 and 1041, and he will note that I was correct in assuming that he voted for the appropriation bill. He did. The vote was 49-0, so I think the Senator should stand corrected. When I am, I certainly stand that way, and I think the Journal speaks for itself, so I think Senator Bell should read the Journal to remember how he voted on the General Appropriations bill that night.

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, I think the gentleman's debate is not appropriate at this time. There is no bill before the Senate.

The PRESIDENT. The Chair would remind the gentleman that, in fact, we are on third consideration of Senate Bill No. 718. The gentleman is in order to comment on the bill at this time.

LEGISLATIVE LEAVES

Senator FUMO. Mr. President, I would like to request temporary Capitol leaves on behalf of Senator Bodack, Senator Lewis, Senator Musto and Senator Lincoln.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves on behalf of Senator Bodack, Senator Lewis, Senator Lincoln and Senator Musto. The Chair hears no objection. The leaves will be granted.

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

It was agreed to.

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

PARLIAMENTARY INQUIRY

Senator BRIGHTBILL. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, you just called before us Senate Bill No. 718.

The PRESIDENT. The Chair would remind the gentleman this is the matter that we have been dealing with for the past several moments.

Senator BRIGHTBILL. Mr. President, so his debate was out of order. Is that correct, Mr. President?

The PRESIDENT. No, the gentleman is incorrect. His debate was in order. We were on third consideration at the time, having not had the opportunity to put the question before the Body on final passage.

On the question,
Shall the bill pass finally?

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

YEAS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Hess	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Cornman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

NAYS—22

Afflerbach	Fumo	Musto	Scanlon
Andrezski	Jones	O'Pake	Stapleton
Belan	Lewis	Porterfield	Stewart
Bodack	Lincoln	Regoli	Stout
Dawida	Lynch	Reibman	Williams
Fattah	Mellow		

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 815 (Pr. No. 1308) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," increasing membership of the Pennsylvania State Police; and providing for enlisted personnel.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator RHOADES, by unanimous consent, offered the following amendment No. A3883:

Amend Title, page 1, line 20, by inserting after "increasing": the authorized

Amend Title, page 1, lines 21 and 22, by striking out "AND PROVIDING FOR ENLISTED" in line 21 and all of line 22 and inserting: and making editorial changes.

Amend Sec. 1 (Sec. 205), page 2, line 7, by inserting a bracket before "during"

Amend Sec. 1 (Sec. 205), page 2, line 8, by striking out the bracket before "men"

Amend Sec. 1 (Sec. 205), page 2, line 8, by striking out "] ENLISTED PERSONNEL"

Amend Sec. 1 (Sec. 205), page 2, line 11, by inserting a bracket after "thereafter,"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

HB 837, 838 and 839 — Without objection, the bills were passed over in their order at the request of Senator BRIGHT-BILL.

BILL ON THIRD CONSIDERATION AMENDED

SB 894 (Pr. No. 1023) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the filling of a vacancy in the office of jury commissioner.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator STEWART, by unanimous consent, offered the following amendment No. A3819:

Amend Sec. 1 (Sec. 2122), page 1, line 17, by inserting brackets before and after "death,"

Amend Sec. 1 (Sec. 2122), page 1, line 18, by inserting a bracket before "or"

Amend Sec. 1 (Sec. 2122), page 2, line 1, by inserting a bracket after "of" where it appears the first time

Amend Sec. 1 (Sec. 2122), page 2, line 3, by inserting after "person": who is a qualified elector of the county who was a member

Amend Sec. 1 (Sec. 2122), page 2, line 4, by inserting after "filled": at the time the commissioner was elected

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator PECORA, by unanimous consent, offered the following amendment No. A3991:

Amend Sec. 1 (Sec. 2122), page 1, line 10, by inserting after "vacancy.—": [In]

Amend Sec. 1 (Sec. 2122), page 1, line 11, by inserting after "commissioner": , except for a vacancy in a county of the second class,

Amend Sec. 1 (Sec. 2122), page 1, line 16, by striking out "In" and inserting: Except for a vacancy in a county of the second class, in

Amend Sec. 1 (Sec. 2122), page 2, line 5, by inserting after "inability.": In a county of the second class, a vacancy in the office of jury commissioner shall be filled by appointment by the Governor with the consent of two-thirds of the Senate, and the Governor shall appoint a registered elector of the county who was a member of the same political party as the commissioner whose place is to be filled at the time that commissioner was elected.

On the question,

Will the Senate agree to the amendment?

Senator DAWIDA. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Pecora.

The PRESIDENT. Will the gentleman from Allegheny, Senator Pecora, permit himself to be interrogated?

Senator PECORA. I will, Mr. President.

Senator DAWIDA. Mr. President, would Senator Pecora explain his amendment? I think it is somewhat controversial.

Senator PECORA. Mr. President, what it does is give the authority to the Governor to make appointments for the Jury Commissioner of Allegheny County if there is a vacancy.

Senator DAWIDA. Mr. President, I would have to oppose this and ask my colleagues to oppose it, as well. It is an issue that I think the Allegheny County voters have done rather well in picking their Jury Commissioner and I believe in more democracy, not less. I also do not believe this concept belongs as an amendment to a fairly uncontroversial bill. For a lot of reasons, I would ask for a "no" vote from my colleagues.

Senator PECORA. Mr. President, I must bring to the Senate's attention that only when vacancies are made available will the position be appointive. Presently the law does have the same procedure of appointment except by the Court of Common Pleas. This only transfers that authority over to the Governor and must have two-thirds vote of the Senate to approve the recommendation.

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

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

YEAS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Hess	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

NAYS—22

Afflerbach	Fumo	Musto	Scanlon
Andrezski	Jones	O'Pake	Stapleton
Belan	Lewis	Porterfield	Stewart
Bodack	Lincoln	Regoli	Stout
Dawida	Lynch	Reibman	Williams
Fattah	Mellow		

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

The PRESIDENT. Senate Bill No. 894 will go over in its order, as amended.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1068 (Pr. No. 1259) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a program of financial assistance to counties for the incarceration of certain offenders; providing for administration by the Pennsylvania Commission on Crime and Delinquency; providing for an audit of funds disbursed pursuant to such program; and making an appropriation.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator FUMO. Mr. President, this is another one of the bills that the Majority has put forth to help the counties out with their prison problems and, again, it is laudable in purpose, just not payable with the funds we have. Mr. President, this bill would cost the Commonwealth \$2.1 million this year and an estimated \$6.1 million next fiscal year. Because of

that, again as we get into the budget process, if we determine that this should be one of our priorities and we are willing to cut somewhere else to make it fit, then that might be appropriate, but just to pass it today on the blind would be inappropriate. I would, therefore, urge a negative vote on the bill.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

Senator FISHER. Mr. President, once again, I would urge support for Senate Bill No. 1068. This is a bill which would provide a subsidy for counties to defer the cost for incarcerating DUI offenders. As all of us know, one of the major impacts on our county jails today is the increased numbers of DUI offenders who are being housed there as a result of the mandatory sentencing legislation passed by this General Assembly a few years ago. It is a sensible approach. It is an approach in which we can finally provide some monetary assistance to help the counties avoid the major overcrowding problems they have. It is also a bill that was recommended by the Pennsylvania Commission on Crime and Delinquency's Prison and Jail Overcrowding Task Force. The bill is not new. It has been around for a number of years. In fact, last Session the principal sponsor of the bill was former Representative David Sweet. The bill did receive consideration, I believe, in the House but was not passed before the final days of the last Session. I reintroduced it, and I would urge that we give favorable approval to it and would urge support for the bill on both sides of the aisle.

LEGISLATIVE LEAVES

Senator FUMO. Mr. President, I would like to ask for temporary Capitol leaves for Senator Afflerbach and Senator Scanlon who have been called to their offices.

The PRESIDENT. Senator Fumo asks for temporary Capitol leaves for Senator Afflerbach and Senator Scanlon. The Chair hears no objection. The leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

YEAS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Hess	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

NAYS—22

Afflerbach	Fumo	Musto	Scanlon
Andrezski	Jones	O'Pake	Stapleton
Belan	Lewis	Porterfield	Stewart
Bodack	Lincoln	Regoli	Stout
Dawida	Lynch	Reibman	Williams

Fattah Mellow

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 1072 (Pr. No. 1707) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 16, 1968 (P. L. 351, No. 173), entitled, as amended, "Prisoner Pre-release Plan Law," providing for an electronic surveillance program; and making editorial changes.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, by unanimous consent, offered the following amendment No. A3941:

Amend Sec. 1 (Sec. 2), page 3, line 29, by inserting after "of" where it appears the first time: any violent crime,

Amend Sec. 1 (Sec. 2), page 4, line 1, by inserting after "Act,": 18 Pa.C.S. § 6301 (relating to corruption of minors) or any sexual offense involving a minor

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 1324 and **HB 1335** — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

HB 202 CALLED UP OUT OF ORDER

HB 202 (Pr. No. 2627) — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 202 (Pr. No. 2627) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for local authorities to appoint temporary personnel to direct traffic at industrial facilities during shift changes.

Considered the second time and agreed to.

Ordered, To be printed for third consideration.

Senator BRIGHTBILL. Mr. President, I move that House Bill No. 202, Printer's No. 2627, just considered, be rereferred to the Committee on Banking and Insurance.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, although we are going to express no negative votes on this proposal, I think it is important that we place on the record what our feeling is about the rereferral of House Bill No. 202 to the Committee on Banking and Insurance. This particular proposal does not deal with banking or insurance. In fact, it deals with a transportation matter and came from the Committee on Transportation. It purely and simply, Mr. President, deals with the traffic flow and those individuals who, in fact, are responsible for traffic in areas of industrial facilities, office parks, stadiums and arenas, et cetera, and has absolutely nothing to do with banking or insurance. It is hard for me to comprehend the reason why the Majority Party would want to go ahead and to place a Title 75 bill dealing with the Vehicle Code in banking and insurance, but we are realists over here and we realize that the Minority will have its say, but the Majority, at least today, will have its way. So, we will not object to that bill, Mr. President, going into the Committee on Banking and Insurance, but can find no logical reason why that, in fact, should take place.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. House Bill No. 202, Printer's No. 2627, will be rereferred to the Committee on Banking and Insurance.

LEGISLATIVE LEAVE CANCELLED

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

RECESS

Senator BRIGHTBILL. Mr. President, could we have a brief recess of the Senate for the purpose of a meeting of the Committee on Finance in the Rules Committee room. That meeting would begin immediately. We would then proceed with the Calendar as soon as that meeting is over.

The PRESIDENT. For the purpose of a meeting of the Committee on Finance to commence immediately in the room at the rear of the Senate Chamber, the Senate will stand in brief recess.

AFTER RECESS

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

**SPECIAL ORDER OF BUSINESS
EXECUTIVE NOMINATIONS**

EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION**

June 26, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jack P. Gross, 1830 Rittenhouse Square, Apartment 9A, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice John Scotzin, Camp Hill, deceased.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—22

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

NAYS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Hess	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

SECRETARY OF THE COMMONWEALTH

September 11, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Christopher A. Lewis, Esquire, 6425 Wayne Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Secretary of the Commonwealth, to serve until superseded, vice The Honorable James J. Haggerty, Dunmore, resigned.

ROBERT P. CASEY.

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

June 22, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel P. Elby, 148 Sylvan Drive, York 17402, York County, Thirty-first Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

**SPECIAL ORDER OF BUSINESS
REPORTS FROM COMMITTEES**

Senator ARMSTRONG, from the Committee on Finance, reported the following bill:

HB 1435 (Pr. No. 2855) (Amended)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining the terms "employee" and "employer" for personal income tax purposes; further providing for estimated tax; codifying provisions imposing a State tax, payable by manufacturers and by others, on malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring additional powers and imposing additional duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages; providing penalties; and making a repeal.

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

HB 125 (Pr. No. 136)

An Act amending the act of June 11, 1879 (P. L. 147, No. 153), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this commonwealth," increasing the compensation to be paid to jurors; and providing for mileage payments.

HB 176 (Pr. No. 195)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading and offense of a former convict not to own a firearm.

HB 310 (Pr. No. 1306)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for mandatory sentencing for convictions for certain drug offenses.

HB 682 (Pr. No. 1568)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for wiretapping in relation to the offense of dealing in infant children.

HB 964 (Pr. No. 2845) (Amended)

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

HB 1274 (Pr. No. 2852) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the sale of tobacco and for drug trafficking offenses and penalties; and providing for illegal use of real property.

HB 1275 (Pr. No. 2846) (Amended)

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," providing for designer drugs; and further providing for prohibited acts.

HB 1276 (Pr. No. 1469)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional aggravating circumstances in death penalty cases.

HB 1277 (Pr. No. 2847) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for dealing in proceeds of unlawful activities.

HB 1279 (Pr. No. 2853) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for mandatory minimum sentences for multiple sales of certain controlled substances within a period of 90 days and for determining quantities of controlled substances.

HB 1280 (Pr. No. 2848) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of drug delivery resulting in death; and providing penalties.

HB 1298 (Pr. No. 2849) (Amended)

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for prohibited acts and penalties; providing for recidivism penalties; and further providing for pre-trial disposition of certain cases.

Senator SHUMAKER, from the Committee on Law and Justice, reported the following bill:

SB 1351 (Pr. No. 1778) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting sale of alcoholic beverages without a license; prohibiting restaurants which are not licensed under the Liquor Code from permitting patrons to consume alcoholic beverages on the premises; and providing a penalty.

BILLS REREFERRED

Senator LEMMOND, from the Committee on Game and Fisheries, returned to the Senate **HB 790** and **1892**, which were rereferred to the Committee on Appropriations.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

HB 376, SB 403 and 1333 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**PREFERRED APPROPRIATION BILLS
OVER IN ORDER**

SB 1222, 1223 and 1224 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 266 and 371 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 689 (Pr. No. 2718) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," further providing for fiscal administration and for an increase in the maximum grant.

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

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

BILLS OVER IN ORDER

SB 709, 747, 759 and HB 810 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 854 (Pr. No. 1740) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for a carryover; and providing for a phased in carryback for corporate net income taxes.

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

BILL OVER IN ORDER

SB 889 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 983 (Pr. No. 1741) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to constables.

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

BILLS OVER IN ORDER

SB 1008, 1310 and 1335 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

UNFINISHED BUSINESS

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to George Lownes by Senator Greenwood.

Congratulations of the Senate were extended to Edward M. Harvey by Senator Hess.

Congratulations of the Senate were extended to Wilkes University of Wilkes-Barre by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Orton Boudeman, Mr. and Mrs. Harry Ealer, Jr. and to Mr. and Mrs. Lewis N. Hall by Senator Madigan.

Congratulations of the Senate were extended to Walter J. Bennis and to Saint Mark's Lutheran Church of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Henry McCarrell by Senator Pecora.

Congratulations of the Senate were extended to Walter Orkosko by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Campbell and to Mr. and Mrs. Claude Shidemantle by Senator Shaffer.

Congratulations of the Senate were extended to Vera H. Wagner by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony M. Krasowski and to Mr. and Mrs. Thomas Krempasky by Senator Stapleton.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 649, 952, 1351, HB 125, 176, 310, 540, 682, 964, 1274, 1275, 1276, 1277, 1279, 1280, 1285, 1298, 1435, 1615 and 2009.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, I am very interested in the quote on today's Senate Calendar 200 years ago. I do not think too many people in this Capitol realize that 1790 was the birth of the Senate. We are approaching the bicentennial of the Senate of Pennsylvania, and I compliment the administrative staff who are putting in the quotes of 200 years ago. This one is very interesting because it shows very clearly that Abraham Lincoln's folks came from Berks County, Pennsylvania.

Senator BRIGHTBILL. Mr. President, this weekend in Hershey the AAAA state football championship will be decided. The two teams that will be participating are Pennsylvania teams and they are specifically the Upper St. Clair Panthers and the Wilson School District Bulldogs. The Bulldogs are a team which truly represents the kind of spirit that exists in Berks County, an area I am privileged to represent. They are coached by Gerald Slemmer who was the coach of the year in Berks County. Wilson won the Lancaster-Lebanon 1 and District 3 AAAA titles, and they led the 1989 all-Berks scholastic football team with seven first-team selections. The game which will be this weekend will be in Hershey, and I believe Senator Fisher has a wager to place on this game. I certainly am considering all wagers.

Senator FISHER. Mr. President, as my friend and colleague, the gentleman from Lebanon, Senator Brightbill, has indicated, this Saturday all the people in Upper St. Clair Township, which is my home community and obviously is in my Senatorial district, will be very excited because for the first time Upper St. Clair High School will have an opportunity to participate in the state AAAA PIAA championship game, and we are, indeed, very proud of our team, a team which last year won the WPIAL championship, but because earlier in the year the school board had decided that Upper St. Clair would not participate in the state championship, we were unable to come to State College, where the game was last year, to compete. But this year the school board has given our team the approval to participate in the state finals. Our team, which now has a record of, I think, 13-0, has been undefeated, won the WPIAL championship, is ranked No. 1 in the state by the Harrisburg Patriot and I believe No. 10 in the country by USA Today, is a team which I think I am willing to wager something on. Accordingly, I would like at this time to indicate to Senator Brightbill that I will wager, with the approval of the state Lottery Commission, from which I might say I received specific written approval for a year's supply of Heinz ketchup for him and his family, and it is my understanding that he will wager in return a year's supply of Lebanon pretzels. I do not know what he is going to do with a year's supply of Heinz ketchup. I know our local Senator will be very pleased that he is advertising in 1990 his name all across Lebanon County, but I do fully expect to receive the pretzels and they will be here for consumption in the state Capitol all throughout 1990. So, I am more than willing to make that wager, and I sure hope that my friend and colleague, Senator Brightbill, will accept. Obviously, if Upper St. Clair wins, I get the pretzels. If Wilson wins, he gets the ketchup.

The PRESIDENT. Unless the Chair is mistaken, he has not heard the gentleman from Lebanon agree to the terms of that wager, but the Chair would recognize the gentleman from Lebanon, Senator Brightbill, for further comments at this time.

Senator BRIGHTBILL. Mr. President, I am more than happy to wager a year's supply of Berks County pretzels which are, of course, the best pretzels that money can buy. I

do this knowing full well that what Senator Fisher will probably deliver is a single bottle of ketchup since it is so thick that it takes you a year to use a single bottle, and, of course, he and his family would consume a tremendous amount of delicious Berks County pretzels. But it is with the great confidence that I have in the Bulldogs that I will make this wager.

The PRESIDENT. The question that arises in the Chair's mind is since Senator Brightbill has raised the stakes and improved the quality of his wager, is the gentleman from Allegheny willing to offer, say, Hunts ketchup, now?

Senator FISHER. Mr. President, we are sticking with the local Pittsburgh product in Heinz ketchup, and I have no concern about the thickness. I know Senator Brightbill and his family will be able to consume a handsome supply of Heinz ketchup, if needed. We are all prepared to pay up, although we do not expect to have to deliver the Heinz ketchup.

Senator MELLOW. Mr. President, I have just two basic observations. First of all, I am very happy to see that two distinguished Members of the Republican caucus are in favor of legalized gambling. Perhaps next year a bill may be considered on the floor of the Senate, and I guess the two gentlemen have already placed their support solidly behind that particular type of proposal. Secondly, I think Senator Fisher should be aware of the fact that the true Bulldogs, I think, are the Berwick Bulldogs—the team that won the AAA state championship last year. I think they are the ones who are ranked No. 1 in the state, and I believe USA Today has them No. 4 in the country. They also have a twenty-nine game winning streak, having won fifteen last year and fourteen this year. I am also happy about the fact that Dunmore High School will be in the Class A playoff game to be played at Middletown on Saturday morning. So, coming out of the great northeastern part of the state we have Berwick High School trying to win again for the second consecutive year the AAA title, and we have Dunmore High School also coming out of the Eastern Conference and northeastern part of the state trying to win the Class A Championship. I think the record should be clear that I believe Berwick is the No. 1 team in the state and has been, and they are ranked No. 4 in the nation by USA Today, a little bit ahead of Upper St. Clair.

Senator FISHER. Mr. President, I do think the record should stand corrected. Berwick is rated higher by USA Today, although I believe since Berwick is AAA and Upper St. Clair is AAAA, both of them may be rated No. 1 in their respective divisions. It is unfortunate that the two cannot play each other. Maybe some day we will even take it a step further to have the ultimate in state championships across the Commonwealth. But I do wish the gentleman from Lackawanna, Senator Mellow's teams well, as well as all the other teams, and I hope our team certainly is successful.

COMMUNICATIONS FROM THE GOVERNOR**NOMINATIONS BY THE GOVERNOR
REFERRED TO COMMITTEE**

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

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

December 5, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maxine M. Woelfling, 117 Maple Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until her successor is appointed and qualified.

ROBERT P. CASEY.

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

December 5, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alma Kay Crawford, 1701 Taxville Road, York 17404, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

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

December 5, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald L. Faulkner, Esquire, Maple Avenue, Box 20, Beech Creek 16822, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

December 5, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William F. Williams, R. D. 4, Jersey Shore 17740, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

HOUSE MESSAGES**HOUSE ADOPTS REPORT OF COMMITTEE
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **HB 53**, which was placed on the Calendar.

HOUSE BILLS FOR CONCURRENCE

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

December 5, 1989

HB 1179 — Committee on Local Government.

HB 1525 — Committee on Community and Economic Development.

HB 1997 — Committee on Education.

BILLS INTRODUCED AND REFERRED

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

December 5, 1989

Senators CORMAN, RHOADES, AFFLERBACH and STOUT presented to the Chair **SB 1382**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled "The Pennsylvania Workmen's Compensation Act," further providing for the payment of workmen's compensation premiums.

Which was committed to the Committee on LABOR AND INDUSTRY, December 5, 1989.

Senators CORMAN, RHOADES, STOUT and AFFLERBACH presented to the Chair **SB 1383**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," further providing for compliance by counties, for special encroachments, for jurisdiction, for exclusions, for contents of ordinance, for completion of improvements, for procedures, for classifications, for development rights, for memberships and organization of the board and for time limitations.

Which was committed to the Committee on LOCAL GOVERNMENT, December 5, 1989.

Senators CORMAN, RHOADES, AFFLERBACH and STOUT presented to the Chair **SB 1384**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," prohibiting certain fees relating to the collection of the earned income tax.

Which was committed to the Committee on LOCAL GOVERNMENT, December 5, 1989.

Senators STOUT, BODACK, BELAN, HESS, LYNCH and SHAFFER presented to the Chair **SB 1385**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing an exclusion for motorcycle operators from the surcharges levied to support the Catastrophic Loss Benefits Continuation Fund.

Which was committed to the Committee on BANKING AND INSURANCE, December 5, 1989.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, DECEMBER 6, 1989

Off The Floor	JUDICIARY (to consider House Bill No. 1633)	Rules Committee Conference Room
9:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 1272, 1297, 1341 and 1368 and Senate Resolution No. 121 and House Bills No. 409, 421, 422 and 423)	Room 8E-A Hearing Room East Wing
10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bill No. 1895 and the nomination of Bernard A. Ryan, Jr. to the office of Small-Business Advocate)	Room 8E-B Hearing Room East Wing
10:00 A.M.	MILITARY AND VETERANS AFFAIRS (to consider Senate Bill No. 824 Veterans Memorial Appropriation and Senate Bill No. 1366 Veterans Memorial Expiration and Senate Resolution No. 118 USS Pennsylvania)	Room 460 Conference Room Fourth Floor North Wing
Off The Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 484 and certain executive nominations)	Rules Committee Conference Room

Off The Floor	APPROPRIATIONS (to consider House Bills No. 689, 2118 and 2125)	Rules Committee Conference Room
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TUESDAY, DECEMBER 12, 1989

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 333 and 901 and State Board of Psychology Regulation 16A-227 (Final Form))	Room 8E-B Hearing Room East Wing
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ADJOURNMENT

Senator BRIGHTBILL. Mr. President, I move the Senate do now adjourn until Wednesday, December 6, 1989, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:00 p.m., Eastern Standard Time.