

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 6, 1989

SESSION OF 1989

173RD OF THE GENERAL ASSEMBLY

No. 69

SENATE

WEDNESDAY, December 6, 1989.

The Senate met at 11:00 a.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:

Let us pray.

Heavenly Father, we find ourselves in very busy times. In fact, we may even be so busy that You and those we love become lost in the shuffle of things. We strive to justify ourselves with the excuse that the pressures and the stress are so overwhelming. Perhaps the feeling of being alone encompasses us in spite of the many demands upon us. We call upon You now, Father, for the reassurance of Your presence and love and that we might show Your love unto others. Be near us now to refresh, strengthen and support us in body, mind and spirit. May our endeavors and accomplishments have Your blessing, and may we be humble enough to give You and only You the true thanks. In Jesus' name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 5, 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 MESSAGES

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 1633 — Committee on Judiciary.

HB 2125 — Committee on Appropriations.

December 6, 1989

HB 2118 — Committee on Appropriations.

COMMITTEE OF CONFERENCE APPOINTED ON HB 331

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators CORMAN, FISHER and STOUT as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 331.

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

COMMITTEE OF CONFERENCE APPOINTED ON SB 576

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators WENGER, RHOADES and STEWART as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 576.

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

REPORTS FROM COMMITTEES

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

HB 1895 (Pr. No. 2857) (Amended)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," reestablishing the Office of Consumer Advocate; and making a repeal.

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

SB 1272 (Pr. No. 1584)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, creating the offense of trespass by motor vehicles; and further providing for fines, penalties and suspension of driver's license for unauthorized operation of motor vehicles on private real property.

SB 1297 (Pr. No. 1783) (Amended)

An Act amending the act of October 21, 1988 (P. L. 962, No. 114), entitled "Highway Supplement to the Capital Budget Act of 1987-1988," adding projects in Blair, Centre and Lycoming Counties; further describing a highway project in McKean County; adding projects in Tioga and Washington Counties; and increasing the debt authorization and appropriation.

SB 1341 (Pr. No. 1694)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a driver's duty when meeting or overtaking a school bus.

SB 1368 (Pr. No. 1735)

An Act amending the act of September 30, 1985 (P. L. 240, No. 61), entitled "Turnpike Organization, Extension and Toll Road Conversion Act," further providing for a turnpike interchange at New Cumberland Army Depot.

HB 421 (Pr. No. 1713)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for application for certificate of title affecting out-of-State vehicles; and providing a penalty.

HB 422 (Pr. No. 2856) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle destroyed or junked and for vehicle identification numbers.

HB 423 (Pr. No. 1527)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "salvage motor vehicle auction or pool operator"; further providing for inspection of garages and dealer premises by police; and requiring certain persons to keep accurate records of motor vehicle sales and dispositions.

RESOLUTION REPORTED FROM COMMITTEE

Senator CORMAN, from the Committee on Transportation, reported the following resolution:

SR 121 (Pr. No. 1745)

A Resolution authorizing the Senate Transportation Committee to investigate two similar chain reaction accidents on the northeast extension of the Pennsylvania Turnpike.

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

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for a temporary Capitol leave for Senator Shaffer who is in his office.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Lynch, Senator Musto and Senator Reibman and, just to reiterate, the leave for Senator Stout which was requested earlier, the legislative leave for the week.

The PRESIDENT. Senator Brightbill requests temporary Capitol leave for Senator Shaffer. Senator Mellow requests temporary Capitol leaves for Senator Lynch, Senator Musto

and Senator Reibman and a continuation of the legislative leave for Senator Stout. The Chair hears no objection to the leave requests. The 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**HB 652 CALLED UP OUT OF ORDER**

HB 652 (Pr. No. 2854) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 652 (Pr. No. 2854) — 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 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 CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Shaffer. 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
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 Secretary of the Senate return said bill to the House of Representatives with information that the

Senate has passed the same with amendments in which concurrence of the House is requested.

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the following committees to meet off the floor during today's Session: the Committee on Rules and Executive Nominations to consider Senate Bill No. 484 and certain nominations; the Committee on Appropriations to consider House Bills No. 689, 2118 and 2125; and the Committee on Judiciary to consider House Bill No. 1633.

PERMISSION TO ADDRESS SENATE

Senator DAWIDA asked and obtained unanimous consent to address the Senate.

Senator DAWIDA. Mr. President, the House fellowship group has invited us to join them in their weekly fellowship meeting, which in some areas would be called a prayer meeting. We call it a fellowship meeting because we discuss issues of religion with each other, regardless of which religion you might or might not hold. It is next Tuesday at 8:30 a.m., Room 421 in the South Office Building. Coffee and doughnuts are provided as well as the discussion. We would also, of course, invite the Lieutenant Governor to join us, if he would care to.

The PRESIDENT. The remarks of the gentleman will be spread upon the record.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I am asking for Capitol leaves for Senator Peterson and Senator Salvatore.

The PRESIDENT. Senator Brightbill requests temporary Capitol leaves for Senator Peterson and Senator Salvatore. The Chair hears no objection. Those leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

REPORT OF COMMITTEE OF CONFERENCE

BILL OVER IN ORDER

HB 53 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

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 LOEPER.

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 594 (Pr. No. 1779) — 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 and agreed to,

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

On the question,

Shall the bill pass finally?

Senator MELLOW. Mr. President, prior to taking the roll, I think it would be very important, since this is a bill of extreme concern to some Members of the Senate, that people are totally aware of the fact that Senate Bill No. 594 is the merit selection proposal, and there may be individuals who, perhaps, may want to speak on it. I am not sure that everyone realizes that we are, in fact, dealing with Senate Bill No. 594. At least they want to be aware of how they are casting their votes.

The PRESIDENT. The Chair thanks the gentleman and would remind the Members of the Senate that we are dealing with Senate Bill No. 594 on final passage.

Senator LOEPER. Mr. President, the reason I was seeking recognition was simply to indicate to the Members the same, that this is the merit selection issue. I would also make the Members aware that there was a merit selection bill that dealt with a different way of merit selection that passed the House yesterday, and the bill before us does create a merit selection system for Pennsylvania that would require a two-thirds majority vote for confirmation of those appointees in the Senate.

Senator CORMAN. Mr. President, I rise to urge my colleagues to join me in a negative vote on this issue. It carries the name of merit selection of judges, and I suggest, Mr. President, that a better name would be political selection of judges. I will still have a vote on the issue as long as I serve in the Senate, but all the people in my constituency will not. They will have to strictly depend upon me to make that vote and, hopefully, I would not make it a political kind of vote. But we know how this system works, and I suspect that being a two-thirds issue, every time a person would be considered, supposedly meritoriously, for the court, they are going to have to come in pairs and one is going to have to be of one party and one of the other party in order to have any kind of proper consideration on the floor of this Senate. I suggest, Mr. President, that there is a better way than the current way of keeping the people in the system to allow people to exercise their direct vote. I have legislation that deals with that, and it deals with providing for geographic regions for justices and judges so the people of the Commonwealth can remain in the system and not allow it to be the political process it will be. I would urge a negative vote on this issue, Mr. President.

The PRESIDENT pro tempore. Mr. President, it is not often I disagree with my friend and colleague from Centre County, but in this instance I would suggest that this long-discussed concept is now in a posture where its time has come. Mr. President, I have been a convert for some time to merit selection, particularly of appellate court judges, in the Commonwealth. Senate Bill No. 594 provides for a means by which, ultimately, the people of Pennsylvania will decide whether they want to change the system. It is a constitutional amendment, which means that it would have to pass both Houses in two consecutive Sessions of the General Assembly and go before the people. As a constitutional amendment, I think that is something that at least there is enough interest by the people to change the system, that they ought to have an opportunity to decide whether, indeed, this is what they want. It does provide that Supreme, Superior and Commonwealth Court judges would be selected, not by partisan political election, which is the current case, and it would not be by the federal system which has, frankly, worked quite well, I believe, Mr. President, where the President of the United States appoints federal judges for good behavior with majority confirmation of the Senate of the United States. This is somewhere in the middle of that. The process would be in four steps. There would be a bipartisan representative committee appointed by the Governor and legislative leaders, so there would be input by the General Assembly, along with two Common Pleas judges who would select five to seven persons who had shown the even-handedness, courage and learning experience to be good judges. The Governor would nominate one of these persons to the Senate for confirmation. That confirmation would be by two-thirds. Again, I think we take a middle ground. There are some who believe, Mr. President, that the two-thirds confirmation is detrimental to the entire process. I would respectfully disagree. Although I might prefer a majority confirmation, I do not believe that the two-thirds is detrimental and, frankly, from a compromise point of view, which this bill has tried to do, I think it is a reasonable means by which we can move to a different kind of system. If confirmed, the judge would then serve four years, and at that time the people would decide by a "yes" or "no" vote whether the judge should be retained. If retained, the judge would have another ten years and run for retention again.

Of recent vintage, Mr. President, I think it is fair to say that the direct election of appellate court judges has not worked entirely well, at least from my constituents who indicate to me they have no idea for whom they are voting for a statewide judicial candidate. Voters become apathetic and political parties really do not spend the kind of funds or push as hard as they can. Judges end up turning to law firms who are going to appear before them in order to collect funds, and I think there at least is a perception that there is a better way to do it. Sometimes the races are determined by the luck of the draw for ballot positions or, in the case of the Supreme Court, geographical position or geographical location. The Supreme Court is now 5-2, with five from Allegheny County and two

from Philadelphia County, with the rest of the state not having any representation on that court.

I think the greatest harm under our present system, Mr. President, is that we do not necessarily attract the best and the brightest talent, not in all situations because I believe we do have some excellent, fine judges who are serving, but I believe there are people out there who will not go through the kind of system, particularly when they are barred from discussing issues and yet they are still asked to raise money and somehow be involved in the political process. I think there are potential candidates who are reluctant to conduct statewide campaigns raising large sums of money from lawyers and others who would have a direct link with the court after an election. We also have instances, Mr. President, where members of the appellate courts have left the court rather than continue under the current system. I am not going to sit here and tell you that Senate Bill No. 594 is a perfect piece of legislation, but I think it is better than any I have seen for some time. I commend those who were involved in working diligently to try and bring about a fair compromise to the current system and the federal system. Although I have had an interest in this issue for some years, I think that the Beck Commission appointed by the Governor came up with recommendations on the selection of judges that pretty much parallel Senate Bill No. 594. I commend the sponsor of the bill, the gentleman from Montgomery, Senator Greenleaf, the Senate Judiciary Committee and the gentleman from Bucks, Senator Lewis, who was, I believe, the ranking Democrat on that committee, who I think did an excellent job in bringing to the floor a piece of legislation that represents a departure from the current system, but one that I do not believe is so drastic that it should offend most people.

Mr. President, if there is a criticism that you cannot take politics out of the system, I think that is very valid. But I do not think there is anybody in this Body or any other body who could write a piece of legislation that does totally eliminate politics and, frankly, I do not think that should be fatal to the system. I think the goal should be to get the very best and the brightest and to at least give confidence to the people that those who are nominated for a judicial position on the appellate court level are indeed people who have been tested, who have gone through a process, who have had to come before the Senate, who will have to put their qualifications before the electorate after four years and gain, hopefully, the confidence of the people. We may not totally depoliticize the whole thing, but I frankly believe that the sting will be taken out and the kind of people that we will attract to the system will serve very well. As I say, it may not be perfect, but I think it is a vast improvement upon the current lottery system that we have.

Mr. President, I think that the people of Pennsylvania deserve an opportunity to voice their opinion on this constitutional amendment, and I believe and hope that the first step will be taken today and that Senate Bill No. 594 will pass the Senate, hopefully the House, and do it once again in the next Session so the people of Pennsylvania will have the ultimate decision on whether they want to continue the existing system

or Senate Bill No. 594, which represents a fair departure and one that will be an improvement on the current system.

Senator FUMO. Mr. President, I rise, too, to support Senate Bill No. 594. I have long been an opponent of the so-called merit selection process. However, experience has taught me that our current system of electing judges in Pennsylvania simply does not work. All too often, it is merely a lottery, as the gentleman from Blair, Senator Jubelirer, has said. It results in well-qualified candidates who could serve their Commonwealth well on the appellate benches in not getting into the fray, based on geography more than anything else. I introduced a number of bills in the past which would remove the county designation and rotate the ballot position so we can eliminate the idea of a lottery, but those bills, for some reason or another, never saw the light of day, I suspect because the mood was not to do that. In light of the fact that the current system does not work, we have to find one that does. This Commonwealth needs a responsible judiciary. It needs a capable judiciary with integrity. I believe this process allows everyone to have input. I believe it is a fair process. It will allow us to gather from all areas of the Commonwealth, particularly central Pennsylvania in rural areas and other areas that have often been forgotten in the electoral process, people of caliber and quality for the bench. I, therefore, support it, Mr. President, and I think that we should remember, however, this is a constitutional amendment. It is an amendment which must pass through this Legislature twice and then it will be voted upon by the people of Pennsylvania. If the people of Pennsylvania decide they do not want this process, then they certainly will have the ability to vote it down and will do so, as we have seen before in other statewide questions such as tax reform. But I think in this particular instance the people will adopt this by an overwhelming majority because I think they are as frustrated as we in what we have seen to date in the electoral process. It is sad that we have to result in this way. I would love to see continuous election of judges if, in fact, we could have fair, honest elections and issues would be discussed and people would have the ability and the time and the inclination to make the proper decisions and be able to weigh the candidates. But as I said before, what we currently have is a system of lotteries or who can buy the most television time and who can package the best issue. It is different when you run an election that way as opposed to a Governor or other statewide official, because when we elect a judge, we elect a judge basically in Pennsylvania for a lifetime term. That judge does not get the kind of day-to-day scrutiny as our elected statewide executives do. Therefore, the public actually gets a denial of its good check and balance system. We must be very cautious in the first instance in putting these people into office. Also, this bill has in it a provision for retention after four years, another issue which I think people will begin to look at more and more in a responsible fashion.

Mr. President, this bill is very similar to the one that I and other Members of the Democratic leadership offered, I believe it was last year. It is not exactly the same, and as the gentleman from Blair, Senator Jubelirer, says, it is not a

perfect bill by anyone's standards, but I think it is, in fact, the perfect compromise. It is a step that we have to take to go forward to clean up the problems that we currently see in the judiciary.

Senator BELL. Mr. President, as I listened to the debate and think back over the years when different plans like this have been proposed, I have often thought, who selects the selectors? In other words, the people of Pennsylvania are no longer capable of intelligently voting. I do not believe that. I just heard the gentleman from Philadelphia make some comments that this would give us judges of ability, and then he said one word which I did write down, "integrity." I thought our judges on the appellate courts had integrity. I think they are quite capable. I do not think we have mediocre judges on the appellate courts. I will tell you one thing, AFL-CIO, I think, put it in one word. This bill will guarantee the judges will be elitists. I do not know what that means. I think I know what it means. I can see a commission appointed by a Governor and by the floor leaders of both Houses and by the Minority floor leaders. Is that not sort of an unbalanced board? Would not the Governor and the two leaders of his party dominate that commission? Who on that commission would be from my district? Who in this Chamber says that people from another district should tell the people, the voters in my district, what is good for them? I do not know if it is elitist, but it surely is big brother from Harrisburg, and I am voting "no" on this because I have not had a mandate from my neighbors whom I represent that they are dissatisfied with the system, despite the fact that one of the big city newspapers feels that nobody is competent to vote for judges.

Senator LEWIS. Mr. President, I, too, rise in support of the bill and want to address some comments to two particular points which have been raised as arguments for those to be in opposition to the bill. The first is the suggestion that somehow or another this proposal is going to eliminate the right of people to elect their judges. I think that both the gentleman from Blair, Senator Jubelirer, and the gentleman from Philadelphia, Senator Fumo, have clearly made the point that the electoral process for appellate court judges in Pennsylvania does not seem to be working well. It is not my intention to repeat those arguments but, rather, to incorporate them through this reference. Additionally, I think it is extremely important to recognize that nothing we will do on this floor will eliminate the right of people to elect their judges. Even by casting an affirmative vote for this bill, we will not be doing anything to eliminate the right to vote for judges. What we will be doing is giving the people of Pennsylvania, through the constitutional amendment process, the opportunity to decide for themselves which system they would prefer to have. I think that is an extremely important point that should not be forgotten.

Secondly, if we pass this bill and do the same again in our next Session and our constituents through the constitutional amendment which will be submitted to them adopt this approach, they will, nevertheless, continue to have the right to cast their ballots for or against appellate court judges. But

now it seems to me, at a time and under a circumstance which may well make a lot more sense than the current process, the bill would require that judges appointed to the appellate courts through this process stand for election after four years of service on the bench. That is the time period and that is the opportunity for people to truly, through the decisions and the actions of those individuals, determine whether they are satisfied with the conduct of that person when he or she is serving on the bench. It seems to me that because of both of these circumstances, the right of the people to vote and the constitutional amendment and the opportunity to vote after four years of service, that we are preserving the essence of the right to vote upon the selection of judges and improving the process in the meantime. I certainly hope we would keep those points in mind as we have to respond and face the arguments that we are somehow trying to eliminate the right to vote. It is just not the case.

Further, we all heard and read the arguments that by including a two-thirds confirmation requirement in this bill, somehow or another we are thrusting the entire thing into the political process and this is going to just destroy the intent of the bill, that somehow or another the Machiavellian political forces are going to be so sinister that it is better off not having the bill than having it with a two-thirds vote requirement into it. I think that is a very unfortunate argument and actually runs counter to any of our experience and the facts as I think they have unfolded with regard to the confirmation process here in this Senate. First of all, I think it is interesting to note that two former appellate court judges, two individuals whom I think have been accorded the highest regard with regard to their ability and service on the court, two individuals who obtained the opportunity to serve on the appellate courts because they were confirmed by this Senate with a two-thirds vote requirement being in place, are often cited as the examples of the people who, with integrity and ability, refused to allow themselves to be part of the existing election process. Does that not really say it all? Does that not show us this confirmation process with a two-thirds vote does work and has worked, as demonstrated through these two particular individuals, as well as many others who continue to serve on the bench, in terms of making it possible for people with the most outstanding credentials to, in fact, serve as appellate court judges? We are not creating a political atmosphere by requiring a two-thirds vote. In fact, in my opinion, what we are doing is ensuring a balanced political approach to the confirmation process. For anyone to believe for a moment that simply changing to a majority vote is going to eliminate political concerns and political involvement with the confirmation process is just defying the reality of the Senate and the constituencies which we as Members have to represent. In fact, it seems to me that you create a worse political environment with a majority vote because then what you do is to really focus the entire thrust of the confirmation process squarely at the Majority Party within this Senate, whichever party it might be at the time and regardless of the political party of the governor. If you happen to have a governor and the Majority

Party in this Senate that are of the same political persuasion, you are going to have the political machinations working themselves out in an intra-party mechanism, or if you have a governor from one party and a Majority Party in the Senate that are from different political parties, to think for a moment that political considerations in their most aggressive form are not going to be played out before a 50 percent vote materializes on this floor is just defying reality and running counter to the real world in which the confirmation process operates. Simply look at the battles and the circumstances that have surrounded many of the other offices here for which majority confirmation is all that is required, and I think you will see the proof of the fact that what you are doing is dealing with politics in one fashion or another. I believe that a two-thirds vote, as I said before, provides the opportunity for a balanced political approach, and I think that is clearly an improvement.

Finally, and again with respect to this two-thirds voting requirement, the gentleman from Delaware, Senator Bell, commented that there have been those who are opposed to the bill who have said that if this was in place our judges would, in fact, be elitists. Well, I am not quite sure what that means. If it means they are qualified and competent, I think it is certainly a very good thing for us to achieve. But aside from trying to wrestle with the definition, it occurs to me that the absolute guarantee that there is not going to be an elitism of a pejorative nature is by retaining the two-thirds confirmation vote here in the Senate, because I believe every one of us as Members who have the opportunity to have his and her vote counted in that confirmation process is going to absolutely guarantee that elitism, in whatever negative way it may be offered here, is not going to pervade the confirmation process, and we provide, through a two-thirds confirmation vote, a check and balance as we have done in the past with our appellate court judges to make sure that they truly are representative of the constituencies that make up this entire Commonwealth. Mr. President, I urge an affirmative vote on the bill.

Senator RHOADES. Mr. President, admittedly, our system of government, be it at the executive, legislative or judicial branches, is not perfect. But it is our system, the system of the people. It is not by the few for the few, but by the people for the people. With all the things that may be wrong or inherently wrong within the system, it still belongs to the people because they gave it that power. We have legislation coming before us which is going to ask us to move to register more people to vote. Why? We are taking away from them the opportunity for them to decide. For the judges who do not want to get their hands dirty by meeting Mr. Joe Public, what is wrong with that? Because these are the people who pay the bills, these are the people who will stand before you day by day. It is possible, but probably not probable that we may never vote for a judge in Pennsylvania again. Because if it passes through referendum and then in the local levels referendum again, the judges will all be either through retention or locked in through appointment. The principle of one man, one vote will not hold true because it will be 235,000 that I

represent to one vote. Let us not disenfranchise the people. Let the government still be of the people, by the people and for the people.

Senator REIBMAN. Mr. President, I had no intention of standing here and debating this issue. I think the issue is absolutely clear. I am not persuaded by the fact that speakers before me are saying this is denying the people of Pennsylvania their basic right of vote. On the contrary, I think this is giving people the very right to amend a basic document which they, themselves, have written and have amended in times previously. That is what this resolution does. It puts this issue before the people themselves to make their decision on what they would basically like to see the court system be. You are giving the people the right to amend a basic document which we should not deny them. There are safeguards in the resolution itself because of the retention principle which then again gives the right to vote to people and whether they want to retain a particular judge or not. I can remember a long period of time as a young law student when we were concerned with what we called the "Missouri Plan" which was probably the forerunner of this kind of merit selection. Most states have adopted in some form or another a selection system. In my neighboring state of New Jersey, across the river from where I live, the Governor appoints. The federal system, for the most part, has developed into a pretty good federal judiciary. Now there are people who may be dissatisfied with certain opinions that are rendered by whoever the judge or whatever the court might be. But the fact remains that Pennsylvania is one of the few states that still uses the kind of "political process" of judges being offered to the people—and I am talking on the appellate level—as a result of political committees which have recommended maybe cronies, and I think it has been detailed by previous speakers. I think that what we are doing today is reaffirming our belief in a fundamental democracy by letting people amend the Constitution as they see fit.

Senator WILLIAMS. Mr. President, I was not going to speak either, but I feel compelled to. I do agree with the gentleman from Delaware, Senator Bell, that this proposal and the arguments to support it really is the rawest form of elitism which I, basically, think comes down to putting forth ideas and thoughts which the common, average man does not understand and is not presumed to understand and, therefore, it is right. I do not want to dwell on the examples that the lady from Northampton, Senator Reibman, brought out, but very frankly, if we would adopt the federal plan, that means the Senators in Pennsylvania could be the ones who, basically, appoint the judges. That is as simple as you can get in terms of politics. That is what happens in the federal system, and they have lifetime jobs. Are we to emulate that? Do we want that? The Missouri Plan has also allowed basic defects in terms of who actually gets there in terms of a multitude of the kinds of people who are represented in the constituencies. That is not my main point, however. My main point is that the force of the argument here very simply says that we have to change because the people of Pennsylvania are not intelligent enough to elect their judges. That is the basic presumption. However,

they are intelligent enough to vote to take away from themselves the right to vote. That seems to me to be an incomprehensible contradiction, and I will just repeat it. The system has a problem because the voters do not have enough information or are not intelligent and are not capable enough to vote. I do not hear a lot of average people coming into my office saying we need to change this system, but we say we want to give you the right to take a right away from yourself to vote because we know and we are not going to tell you that you are not intelligent enough to do that. That to me is very elitist and I do not think, on the other hand, that the merits of the results prove anything either, but I do know the theory is that we are going to ask voters to vote. We think they are intelligent if they vote themselves out of the privilege of voting. That just does not make any kind of common sense to replace it with a system where someone else does the picking and we few politicians here struggle with whether we are going to confirm or approve that. That might be necessary in some other kinds of activities where there are problems in our society, but in this particular instance, it seems to me it is an ultimate contradiction.

I just want to close by saying there was an issue on the corporate raiders issue, which will come before us very shortly, that we had in the Committee on Judiciary the other day, and I note the gentleman from Philadelphia, Senator Fumo, who was an advocate of the free enterprise system and the faith in the shareholders' ability to choose what is right in the corporate thing, that all of a sudden when it comes to this kind of thing, the shareholder, i.e., the voter, really does not have that kind of interest or wisdom. Maybe we need to do something as a government to stimulate and to restimulate in our voters the kind of information and interest that we should to activate them to do what they need to do. But, then again, maybe they are turned off because we do not do dramatic things to deal with homelessness. We do not do dramatic things to deal with drugs. We do not do dramatic things to deal with some of the other acute problems, and maybe the people just feel that our priorities are a little bit mixed up. Maybe that is why they are not interested in the process as much as they ought to be.

I, in closing, just want to say that I oppose the proposal basically because I just do not see where it is compatible with our basic democratic process. I also think that the rationale from top to bottom is fraught with contradictions to depend on that same voter to change a Constitution when we say he is not intelligent enough to vote for a judge, albeit an appellate judge, and that means since men all of a sudden become so high that their qualifications have to be picked by a very special group of people. If it is that high, then it seems to me there was something in the Constitution originally that had fundamental and time-honored wisdom to prevent us from using that kind of logic.

Senator PECORA. Mr. President, I stand before the Senate to object to Senate Bill No. 594. I have specific reasons that make it difficult for me to understand why this type of legislation is introduced in our Senate. What amazes me is that it

gives me the impression we live in a glass house. We shut our eyes to Europe, East Germany, Czechoslovakia, Poland and even China where the people are fighting for the right to vote. Where are we living? Are we in our own cage here that we cannot see that in this great world people are fighting for the right to vote? And we try to manipulate the law. We try to manipulate a constitutional amendment which cannot be described in its total effect to the voters when we try to manipulate them to give up their right to vote. Who are we? Are we gods in this Senate? We are criticizing politics. We are all here through politics. Nobody was ordained by the Lord to be here. We were elected to be here by the citizens of this great Commonwealth. So, there are a few wealthy lawyers who are under the impression in our great Commonwealth that, well, we can become judges. Just be a big contributor to the Governor's election. He appoints the committees that will nominate me. We lawyers will have more influence on our judges. Every time we have a judge appointed in this Commonwealth, we negotiate and wheel and deal. Is wheeling and dealing the way to be a government? We make it a little more dignified. We say we compromise, and so we compromise. Big deal. The Governor makes the appointment, and we reject it if we do not want it. We get our personal friend of one of our lawyers to become a judge or a member of that lawyer's law firm. We want to destroy the government more in our state courts. We want to take advantage of our poor constituents in this Commonwealth by misinforming them. It is amazing that money buys everything in Pennsylvania. If you do not contribute, you do not receive the appointment. We negotiate deals every time there is an appointment made by our Governor, and there is no one here who cannot say that he ever has been involved in a negotiation of a deal. You know, if we are worried about the money being spent in the campaigns, we can prohibit the law firms from making political contributions. We can protect the attorneys in the Senate of the Commonwealth of Pennsylvania. We can have them give up their right to vote on the appointment of judges. What makes them feel supreme that they should have that right? There are other states in our great United States that do not permit a Senator or Legislator to practice law, even if they are a lawyer. Has that ever been considered in Pennsylvania? So, I feel one thing, Mr. President, that if we do pass this law, the big money contributors who want to control the court system of our great Commonwealth will fund it and fund the campaign to misinform our constituents and ask them to give up the right to vote, which other people in this world are fighting for today and blood is being spilled for it.

Senator MELLOW. Mr. President, I can only wonder what would happen if Rip Van Winkle were in this Senate yesterday and fell asleep shortly after the amendment that was offered by the gentleman from Allegheny, Senator Pecora, to Senate Bill No. 894. That particular amendment that he offered took away the people's right to vote for a jury commissioner. What the Senator was interested in in that amendment was appointment by the Governor to fill a vacancy in a second-class county of a jury commissioner confirmed by two-thirds of the

Members of the Senate. Now, I would have to wonder if Rip Van Winkle woke up today would he have to say, well, certainly Senator Pecora would never be supporting that particular type of amendment because yesterday he was opposed to having the people decide who, in fact, should elect someone as a jury commissioner in Allegheny County and thought it was more important that the Governor would go ahead and would make the appointment and two-thirds of the Members of the Senate would have to go ahead and make the confirmation? He talked about the way people in other parts of this world, and especially in Europe, are fighting for the right to vote. It is very unfortunate in this country that less than 50 percent of the people who have the right to vote, in fact, do vote when a President of the United States is up for election. I just cannot comprehend—I do not know whether it is the consistency or the inconsistency—the action that took place yesterday on the floor supported by the Majority Party and the action that is being requested on behalf of the speaker today. There seems to be some confusion, Mr. President, on my part.

Senator PECORA. Mr. President, I do not want to make my fellow colleague, the gentleman from Lackawanna, Senator Mellow, feel like he was sleeping in the Senate yesterday. Presently, the jury commissioner of Allegheny County is not elected by the people to fill a vacancy. That vacancy is filled by the court system. The general public does not vote on it. But in the next election the people of our great county have the option to vote for jury commissioner. So, I am not taking away the right to vote from the people. I feel that the court system in my county and judges I have spoken to feel that they do not want to make that appointment. They recommended to me that the Governor should make that appointment, and we should confirm it in the Senate. I am not taking away the rights from anyone. I am only switching it from the judges to the Governor and to the Senate because the judges really do not want it. I am sorry that I had to correct my fellow Senator, because I admire him and he is such a fine gentleman.

Senator GREENLEAF. Mr. President, it is not my desire to prolong this debate, but I just want to point out a number of issues. We are not, as the gentleman from Bucks, Senator Lewis, has indicated, taking away the right of the people to vote for their judges. In fact, there are statewide referendums, county referendums and retention elections provided for in this legislation. No judge would serve more than four years without going before the electorate and being qualified. None of this would go into place without statewide referendums. No county would adopt the merit selection process without a county referendum as compared to the federal system where there is exclusively an appointive system where the federal judges do not come before the electorate for a vote. This system is not a drastic system. This system is a compromise that has been developed as the result of the Governor's Judicial Reform Commission, which I served on, and as an adoption of their recommendations. It is a compromise that does not force merit selection upon the counties, but zeroes in on the appellate court elections, the statewide elections where

there has not been an awful lot of interest, where previous speakers have mentioned the luck of the draw, the luck of the ballot and geographical location and voter turnout have a lot to do with the selection of our judges. It has been previously indicated that it has not worked well. Other states, such as New Jersey and New York, have adopted these procedures as other states that have developed an outstanding appellate court system. I think Pennsylvania should place this upon the ballots so that our electorate may make that decision of whether they want to change, whether they feel that the difficulties we faced in judicial elections in the past are sufficient to warrant this change. There have been a number of speakers who have indicated this is almost unAmerican. To the contrary, if we look at and follow the constitutional development of judicial elections in Pennsylvania, under the 1776 Constitution, judges were appointed by the Executive Council in Pennsylvania and under the 1790 Constitution, judges were appointed by the Governor for life. Under the 1838 Constitution, the Supreme Court judges were appointed by the Governor for fifteen years and Common Pleas judges for ten years, all with the consent of the Senate. Then only in 1850 was that system changed to the system we have now. But then we continued to deal with it, and subsequently in the 1968 Constitutional Convention judges were not entirely elected, but there was a provision for retention elections for those judges. So, what we are doing today is continuing the debate that historically has followed the appointment and election of judges. Those changes in the Pennsylvania Constitution mirror the changes and the discussion that was participated in in the federal Constitution where there was an agreement on how we should appoint judges, whether they should be elected or whether they should be appointed, and Pennsylvania was not isolated in that regard. I would suggest that this is a reasonable compromise that would produce an outstanding judiciary in Pennsylvania, and I think we should give the electorate the opportunity to vote on this and decide the issue for themselves.

Senator ROCKS. Mr. President, I presume by now that the issue of merit selection is one where opinions have pretty well been formed, and there are no new arguments, at least for those of us who read and pay attention to an issue like this. It is a while since anything new has been presented. I, like some others, getting a little bit concerned about myself that maybe it was the strength of major editorial positions in my corner of the state, tried hard to become convinced that this was a better approach to merit selection, as the words have become popularized, as opposed to electing judges, particularly statewide. If I may be this personal in my observations, the harder I tried the more difficult it became for me to accept that, at least for my vote in here, it was the right direction for us. I say that respecting fully the sincerity of purpose of those who present this measure today, and I believe there is many a respected judgment that has been formed in having this bill to this point of consideration for a change in Pennsylvania's Constitution. I do question a little bit the logic of the legislation as it comes. I do not believe the logic was meant to be duplicitous, but it is

a little faulty, in my mind. Yes, the voters will have a vote on this simply because it is a change in the Constitution. But if I follow the logic of what is in front of us, we allow for referenda, county by county, to decide locally. Mr. President, if you are a Philadelphian looking at this decision, I will make this observation as concrete as possible. I think the voters of Pennsylvania had a very good idea of the difference between Anita Brody and Ralph Cappy, and I think they went out and exercised the decision they fully well understood, that in striking contrast to a Philadelphia election day where it is possible for ten, twelve, seventeen, upwards to thirty-nine persons to be presented on a judicial slate for the Common Pleas and Municipal Courts of Philadelphia. And yet, the referendum aspect of this is written into the legislation in front of us for the county level. There we allow for some local option by way of what the voters will decide. I heard what the argument cleverly has been in here so far today while the referendum is also presented. That referendum is not on this issue. That is simply because of the fact that we are changing the Constitution. And, yes, I do not argue against what hits you *prima facie*, and that is the voters on this will decide whether or not they want their judges on the appellate courts elected or selected, or as I more accurately say and believe and has been alluded to in here—and I think, you know, if we are going to play the vocabulary game, let us play it, and if we are going to allow it to continue in news reports or editorial pages—the elitist selection process, and it is that. I would like to share a little bit more of a personal observation, the name of the jurist whose commission now fuels this argument. I believe that jurist is a very distinguished jurist. I did not know her when she was out of Montgomery County seeking statewide judicial office for the first time, but I will tell you of my first contact with that member of the bench. She called me as a political leader in Philadelphia and wanted to sit down and meet the labor leadership in the city, not at all disparagingly but, I doubt, given where that person came from in life, she had ever sat with ten minorities convened in any gathering. She certainly had never met a character like me who comes straight out of the middle class urban experience of the county's first-class city. She never had been to a Philadelphia ward meeting. But do you know what? I believe the person who went on, then, to successfully be elected statewide is a better appellate court judge on the Superior Court of Pennsylvania for having had that experience. I watched this locally up very close with the intensity of having gone through a campaign this past year in Philadelphia. The so-called Casey judges were merit-selected as their appointments were made and then faced the election process.

You know, a few of us in here have had that experience of being on a ticket at the same time that a judicial slate is running. I really want you to know what I saw firsthandly. I came to know them very well. You are out there day after day and night after night. By the time you have finished a year campaigning, you can almost give each other's speeches. We come from different political parties and, certainly, a variety of backgrounds.

Do you want to know something? Every one of those judges, yes, selected as their names were proposed were confirmed in here and, now having stood election at the hands of the voters of Philadelphia, I, in my heart of heart, believe are better judges and will be better equipped and better prepared for having gone through that experience—mostly ward meetings. You know, a lot of us come out of ward meetings. The people who give up that part of their lives to be elected committee people sitting there, you know, are pretty representative, by and large, of the people like us who sent them to that meeting. I think to take, yes, the appellate judiciary of this Commonwealth and remove it from that process is totally unrelated at all to the quality of a judiciary. A few of the other words I have heard in here—the integrity. We go through it. I understand the difference between the judicial and legislative branches. None of us is worse off for having faced the voters, nor are judges, nor are they. I think we make, in the end, a terrible mistake, it is my conclusion, having tried very hard. So, there is a lot of concern that this court, now in its supreme fashion, in this state is 5-2 Allegheny. Solve the problem, let more voters vote in primary elections in the west than they do in the east. Nothing in this proposal deals with that. So we live in a media era of campaigns. That is the state of the arts. People are going to present themselves that way. I think more than ever, given the decisions that are made by the Superior, Supreme and Commonwealth Courts in this land of ours, Pennsylvania, voters want and need to be involved in this process.

Many, many references are made to the federal courts. I, for one, do not see where that has been so depoliticized. I guarantee you when there are Republican presidents, overwhelmingly, those are Republican appointments. I do not argue against that, but that is a statement in fact. Please, at least for me and many, many, many people I believe I do represent, do not try to convince me that those federal appointments are philosophically in tune with what I stand for with the decisions they ultimately are making on our creation of law, be it at the state or federal level.

Mr. President, I was not sent here by any editorial boards. I have thought and I respect very much that other people, too, have thought this over. As I said at the opening, I really believe opinions are formed on this and there is a sincerity of purpose that I understand and respect. But I think, for at least this one Senator representing one district of this Commonwealth, I wanted today to be heard as to the strength of my feeling that merit or elitist selection of judges at any level in this state, to remove it from the people is a mistake that we make for this state today and for its future.

Senator WILLIAMS. Mr. President, I just want to try not to repeat any of my arguments. I will try to do that. I did want to make one correction by the previous speaker. The distinguished jurist that did head the commission that gave rise to the issue we have today, at least in areas of minorities, I happen to know there are a lot of minorities and has been quite sensitive. I just wanted to correct that factual speculation for the record.

Secondly, Mr. President, what I have been wondering for a while is that no one really has articulated what the problem is. It occurred to me maybe we ought to get that on the table.

Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator WILLIAMS. Mr. President, basically and succinctly, people say things are not working well. Precisely what is the problem that we need to correct in doing this? I know the gentleman is a very clear speaker, so I am depending on him.

Senator FUMO. Mr. President, the problem, as I see it, and the reason why this bill is before us and the reason why I support it is that in Pennsylvania's most recent history, the voters really have not been deciding who our appellate court judges are. If you look at turnout numbers throughout the Commonwealth, they are dismally low and usually below 50 percent during primaries and very rarely hit that number in the General Elections. Also, Mr. President, the election of appellate judges has become a lottery ticket, and also it has been based on geography. I do not mean to penalize, and would never mean to penalize Allegheny County, but it is inconceivable to me that we should have five justices from the County of Allegheny. What happens in a dispute between the County of Allegheny and another county? Are all five of those judges going to recuse themselves and leave us with two judges from Philadelphia to make a decision, or are they going to somehow miraculously do a superhuman thing and remove themselves from the controversy internally and intellectually? I think those men from Allegheny County are men of great integrity. I supported Justice Cappy in the last election and think he will become one of the finest members of that branch. I do think that in the philosophical system that we have before us, we cannot allow to chance the ability to get good judges on the Supreme Court and on the Commonwealth and on the Superior Court. I know of many judges who would like to serve on those courts, judges currently serving on the Courts of Common Pleas who no longer come and say, gee, can you get the Governor to send my name over? Can you get my name confirmed? They recognize that come election day they cannot win against the lottery. They cannot win against a draw. If they pull number one ballot position, that might help them. I said before I have offered alternative plans of rotating the ballot position or removing the county designation so people would be forced to deal with the names in front of them and maybe, thereby, go out and try and find out more information about them. But those bills have not moved.

Senator WILLIAMS. Mr. President, I understand we have defined that particular part of the problem very clearly. It is another part of that problem. You have mentioned two points.

Senator FUMO. Mr. President, the basic part of the problem is that we are not getting into the appellate level of

the judiciary our finest and best. We have been fortunate thus far that in most instances we have had good judges. The gentleman from Delaware, Senator Bell, before talked about my use of the word "integrity." I think I will be very candid and honest and say there are some judges, and I use that in the philosophical sense meaning at least one, who may not have the highest integrity. I am not going to sit here and call names. I do not think that is proper. But they slip through the system. I think that, granted, you always have some impurities in any system, but the chance for a mistake in the current system is far greater than it would be in an appointive system. Also, we have to remember, as I said in my arguments before to the gentleman from Philadelphia, we are not dealing with people who get elected every four years. We are dealing with people who, basically, once they have come through this system and they are basically unheard of, are there forever, and that is not the same as electing a governor or a treasurer or an auditor general. Their role is distinctly different and philosophically we want to remove them from the political process because they should be beyond politics. Granted, there is always going to be some sort of politics in any selection process, but I think you have an obligation to minimize that process as much as could be.

Senator WILLIAMS. Mr. President, I have very clearly and succinctly that part of the problem, too. Unless there is another aspect—

Senator FUMO. Mr. President, I think this offers us a way to do that and that is why I support the bill.

Senator WILLIAMS. Mr. President, I am satisfied with the identification of the problem here. To handle them may fall into three categories. One, apparently we are not getting qualified people for the appellate bench. Number two, voter apathy, or whatever we want to call it. I say we do not think they are intelligent enough, not too many people are voting. The third thing was the geographical tinkering, and that is breaking down and we are not satisfied with that.

Senator FUMO. Mr. President, there is one other, too, if I may. There is the cost of campaigns. Where does the money for these campaigns come from? Certainly, it begins to create the appearance of impropriety because the only people who basically contribute to a judge's campaign are usually some of his friends and usually that is a little bit of money. Then he is forced to go out into the legal community to raise money.

Senator WILLIAMS. Mr. President, campaign costs.

Senator FUMO. Mr. President, there have been all kinds of schemes devised in the City of Philadelphia where all the judges give the money to the Bar Association and they, in turn, give money to the two political parties.

Senator WILLIAMS. Mr. President, I am clear.

Senator FUMO. Mr. President, but still we are subjecting these people to going out and compromising themselves, and their branch of government should not be compromised. Ours is a representative branch, and we are going to accept money from people and we are going to represent different constituencies, but the Supreme Court should be above that.

Senator WILLIAMS. Mr. President, I fully understand.

The PRESIDENT. Has the gentleman sufficiently answered your interrogation, Senator Williams?

Senator WILLIAMS. We have at least identified the four "serious problems" that we are talking about until we change the Constitution, and that is cost of campaigning and all that proliferation. We are not getting qualified judges. The geographical election tinkering. I think, the fourth point that you mentioned, Mr. President, was—it must have been your best argument because I have forgotten it.

Senator FUMO. Mr. President, I think the fourth one was the money. You will have to go back to what the first one was, but the record will speak for itself.

Senator WILLIAMS. Mr. President, the first one was voter apathy. In other words, the voters are not that intelligent. That is the way I see it.

Senator FUMO. Mr. President, first of all, I did not say—

The PRESIDENT. Is the gentleman continuing the interrogation or making his statement?

Senator WILLIAMS. Mr. President, no, I was just summarizing to make sure that I got them.

PERSONAL PRIVILEGE

Senator FUMO. Mr. President, I rise to a point of personal privilege.

The PRESIDENT. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, I did not say that the voters were not intelligent.

Senator WILLIAMS. Mr. President, he certainly did not. That was my conclusion of what he said.

The PRESIDENT. The Chair now recognizes the gentleman from Philadelphia, Senator Williams, for the completion of his remarks.

Senator WILLIAMS. Mr. President, at least we have had on the table the reasons that we asked to do this. It seems to me he has made it even more ridiculous. Number one, as far as the voters are concerned, I think that is on the government to stimulate that participation it wants. You certainly do not say, well, since you cannot do it too well, I will have some few people do it for you. That is kind of crazy logic. It seems to me that you would want to challenge the body politic, and we said that before. Number two, in terms of what happens in Pittsburgh, Allegheny County and throughout the state, well, that is the real world. Those things happen. No one has it that nice in life in everything. I remember one time when people were saying Philadelphia had too much power. Well, that is the field of politics, the way I see it. I do not see that that should require a constitutional change. Then he talked about a third point, which was qualifications. We do not have good judges. I do not know by whose standard, but our lawyers—

PERSONAL PRIVILEGE

Senator FUMO. Mr. President, I rise to a point of personal privilege.

The PRESIDENT. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, I did not say that. I did not say that we do not have good judges.

Senator WILLIAMS. Mr. President, we do not have the finest.

The PRESIDENT. The Chair would point out that the gentleman—

Senator FUMO. Mr. President, it is one thing for the gentleman to characterize my remarks by his own editorial process, that is fine, but it is distinctly unfair for him to say I said something when I did not.

The PRESIDENT. The Chair would point out to the gentleman that it is also inappropriate to continually interrupt the gentleman who has the floor. He may make his comments after the gentleman has completed his remarks.

Senator FUMO. Mr. President, I asked for a point of personal privilege—I did not just interrupt—and you recognized me for that, and the only reason why I asked for the point of personal privilege was because the gentleman was misstating what I had said.

The PRESIDENT. Whatever.

Senator FUMO. Mr. President, I think it is important if we are going to have a—

The PRESIDENT. The gentleman from Philadelphia, Senator Williams, has the floor. Interrupting a Member who is speaking is not a matter of personal privilege. The Chair recognizes the gentleman from Philadelphia, Senator Williams, to complete his remarks.

Senator WILLIAMS. Mr. President, the gentleman had asked the Chair for a personal privilege and I stopped talking because I thought you had recognized him, and I had no problem with his rejoinder. If I have the floor now to further comment, I do not want to be inaccurate to characterize it, but the argument was that we do not have the finest, we are not getting the best judges and we ought to get something along that line. I just say, by whose determination? Lawyers in this room have made many, many appellate decisions over the years, and we think some judges are great and some are not so great, and by whose decision I do not know. Our systems work fairly well and have kept things intact, so I do not know who is making the judgment on who is the finest and who is not the finest and whose ox is being gored. So be it. It seems to me that you do not change the Constitution because you are dissatisfied in this particular era about who the judges are.

The final argument on the cost of campaigning and who is obligated to whom, perhaps I would like to summarize and really what I wanted to suggest is that those things happen and are going to happen anyway, and we need to continually work on ways to keep a balance there. I would suggest even more so that to do it this way would proliferate more monies and more of those improper kinds of influences because you are going to hide it. It is going to be fewer people. There is a book out now called "Blood and Power" by Stephen Fox. It is about the history of organized crime in America. It surprised me to know about four Presidents and a number of other distinguished, high-ranking people who we think historically are

really, really great. The facts are laid out there how this country had an official policy not to recognize there was such a conspiracy. That was our official policy, and the FBI director and everybody else said that is not true, and yet the facts were going on. There was a hidden, well-organized, well-disciplined conspiracy that reached all levels of our government and well-known Presidents, and certain things happened and certain things did not happen. So, when you have a few people hidden from public view, hidden from a process, you have an astounding ability for impropriety. This book, "Blood and Power," lays out the fact that our country was significantly run in many, many ways by this private kind of system. What we are suggesting today is to take the process on to a few people, more like that, and the obvious temptation is to proliferate people being imperfect people. I mean, just because someone is on a commission or appointed to a board makes him no less human than the average truck driver who lives in a neighborhood. That is a misnomer. That is elitist. The temptations for impropriety proliferate a lot more when you allow a closed shop system. I suggest to you and I suggest to all the Members of this Body the reading of that book would demonstrate and educate a lot of us very specifically on hard information happening in this country and, as I said, affecting people whom we highly respect, all hidden, all affecting the fundamental ability of this country to function, including judges, who by their elevation to the bench do not receive from God any special makeup once that happens. I am just saying our system that allows for us to vote is a lot better and not perfect. Maybe what we need to do is just work at it a little harder rather than to oversimplify the solution to the four problems that were so eloquently identified by the Senator.

Senator BELL. Mr. President, I will not be long. I could not sit back here and listen to the glorification of the federal judges without protesting. I know where there are a few skeletons hidden on the Federal Court in the Eastern District of Pennsylvania. If I were to do research, I would probably find that every federal judge in the Eastern District of Pennsylvania was nominated because a political leader or leaders told the United States senators, this is the person we want. I can think of a gentleman whom I respect highly who was defeated for governor of Pennsylvania and got appointed to Federal Court for the Eastern District of Pennsylvania. Of course, that was on ability, not on politics. I can think of a recent lieutenant to a governor of Pennsylvania who lived in western Pennsylvania, set up shop in Philadelphia and got appointed to the Eastern District Court of Pennsylvania, and, of course, that was not politics. I can think of several others who have been the chairmen of their respective parties in their own home counties who got appointed. This is a sham to say they were appointed on integrity and ability and all that other—I do not know what the polite word is—I am not going to say what I am thinking. They are no better. They are not as good as our appellate court judges of Pennsylvania because as was said, the appellate court judges of Pennsylvania have had to face the people. Yet, these same judges—some of them

could not even fight their way out of a political battle and fight their way out of a paper bag—legislate what we shall do. I can give a long story on that, but I am not going to do it.

The other thing I want to answer is from the gentleman from Montgomery, Senator Greenleaf. He says, look, do not worry. After four years, they are going to run for election. What if I am the defendant in front of one of those characters in the first four years? I remember, I think it was in the spring of 1969, when the same plan or a little bit different, not quite as political as this one, was submitted to the voters and the voters of Pennsylvania said, we do not buy it. I had a person come to me at the polls and say, if I am going to be a defendant in front of the judges over in Media, I want to have some choice as to who is going to be my judge. This goes back to the concept, and I heard Senator Greenleaf talk about colonial times. The only reason they had judges appointed in Pennsylvania when the first Constitution was adopted was because they did not know any different. The Crown appointed the judges before the revolution. It took a little while to get away from the idea the Crown should appoint them, and now we are going back to letting the Crown appoint them again.

Finally, the story that it is so expensive to run. I will tell you where a lot of those judges get their money. They get it from law firms. Why they get it from law firms is because we, in this Chamber, and our colleagues in the House of Representatives, in our infinitesimal wisdom, allow law firms as an exception to the political contribution law. The political contribution law of Pennsylvania said no association or corporation shall make political contributions. Then there is a little exception in there. I may be wrong on my exact wording—law firms. Why are law firms as associations exempted so they can give political contributions? I think the answer, instead of throwing the baby out with the wash water, is to just deny the right of law firms to make political contributions.

Senator FUMO. Mr. President, I rise just to clean up a few last minute issues that have arisen during this debate. First of all, this bill is not the result of the non-election of Judge Brody. I do not know what could be further from the truth. The bill was originally introduced on February 21, 1989, and I do not think there are that many clairvoyant people who did this because they thought she was going to lose. This is not being introduced on behalf of editorial boards.

Mr. President, this bill is being run today and, hopefully, passed today to solve a problem. Whenever you look at any issue you look at what the result is. What has happened? I am a great believer in the cyclical process of things. Things are going to straighten themselves out. Do not tinker with them. Mr. President, I have watched this through my whole career and have not seen it straighten out. In fact, I have seen it get worse. As I said before, I, too, would love to live in a democracy where everyone participated and everyone made decisions and we elected judges based on voting in truly the best person for the job, but that is not what we have. You have to look at what you currently have. Not one justice on the Supreme Court of Pennsylvania is from Central Pennsylvania or any rural area. Mr. President, you cannot tell me there are

not good people in those areas whose expertise we could use. Mr. President, you cannot tell me these things. Our system has failed. We have to recognize that and rather than let the judiciary fail, we have to change the system to make it work because without a good judiciary we really do not have good government. To allow the very foundation of our government to be decided by chance is a grave mistake in any democracy.

Also, Mr. President, the gentleman from Philadelphia, Senator Williams, referred to Senate Bill No. 1310 where I voted and I am in favor of shareholders' rights. I am in favor of voters' rights too. This is an opt-in situation. If the voters want to opt in, they opt in. Speaking to the gentleman from Philadelphia, Senator Rocks, there are two referendums, not one. There will be one on whether the bill is enacted and changes the Constitution and we change the appellate level. Then if any percentage—I believe it is 5 percent in the bill—of registered electors in any county wants to also apply the same process to their local county, they will petition and there will be another referendum. There is nothing confusing about that. There is nothing behind smoke and mirrors about that. It allows people to decide if they like the current process of selecting members of the judiciary. No sneaky tricks. It is out front. What I submit to you is that the sneaky tricks are what have gone on in the past that have brought us today to make the great decision and the weighty decision to change the Constitution of Pennsylvania. There are times when you have to do that. I cannot think of a more important time to do that than when we are dealing with the quality of our judiciary which, I submit, is the very foundation of our government both here and abroad.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

Senator SALVATORE. Mr. President, I know that you have covered all the issues and you have debated long and hard, but who really wants this piece of legislation? Each and every one of you knows that the big law firms want this because they are going to dictate who are going to be the appellate court judges, who are going to be the judges in the local courts—the big law firms, not the people of Pennsylvania, the big law firms. If you want to talk about politics, who gets more political than we do? Then we ask for a two-thirds confirmation, and I love that, too, and the gentleman from Philadelphia, Senator Fumo, loves it, too, that two-thirds. The biggest mistake we ever made was when we eliminated part of that two-thirds. Why does he not go back on the PUC at two-thirds? So, we play politics up here every day. The law firms are playing games with us on this so-called merit selection. The merit of who, whose merit?

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for Capitol leaves for Senator Hopper, Senator Fisher, Senator Armstrong and Senator Shaffer.

Senator MELLOW. Mr. President, I would ask for temporary Capitol leaves for Senator Andrezeski, Senator Bodack, Senator Fattah, Senator Jones, Senator Regoli, Senator Scanlon and Senator Belan.

The PRESIDENT. Senator Brightbill requests temporary Capitol leaves for Senator Hopper, Senator Fisher, Senator Armstrong and Senator Shaffer. Senator Mellow requests temporary Capitol leaves for Senator Andrezeski, Senator Bodack, Senator Fattah, Senator Jones, Senator Regoli, Senator Scanlon and Senator Belan. The Chair hears no objection. The leaves will be granted.

And the question recurring,
Shall the bill pass finally?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Pecora, will state it.

Senator PECORA. Mr. President, are we not required to have a quorum before we vote a bill? I do not see twenty Members on the floor.

The PRESIDENT. Is the gentleman suggesting the absence of a quorum?

Senator PECORA. Yes, Mr. President.

The PRESIDENT. Are there four seconds to the gentleman's suggestion that there is not an adequate quorum? The suggestion of an absence of a quorum requires four seconds.

Senator HOLL. Mr. President, I second it.

The PRESIDENT. There being insufficient seconds to the motion, we will proceed with the business at hand.

LEGISLATIVE LEAVE CANCELLED

Senator MELLOW. Mr. President, I just want the Chair to recognize Senator Musto's presence back on the floor.

The PRESIDENT. The Chair thanks the gentleman and is delighted to recognize the presence of Senator Musto on the floor once again. His 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—24

Armstrong	Greenleaf	Lewis	Reibman
Baker	Greenwood	Lincoln	Shumaker
Brightbill	Hopper	Loeper	Stapleton
Fattah	Jones	Mellow	Stout
Fisher	Jubelirer	Peterson	Tilghman
Fumo	Lemmond	Punt	Wilt

NAYS—25

Afflerbach	Helfrick	O'Pake	Salvatore
Andrezeski	Hess	Pecora	Scanlon
Belan	Holl	Porterfield	Shaffer
Bell	Lynch	Regoli	Stewart
Bodack	Madigan	Rhoades	Wenger

Corman	Musto	Rocks	Williams
Dawida			

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

RECESS

Senator LOEPER. Mr. President, before we continue with consideration of today's Calendar, I would ask for a very brief recess of the Senate for purposes of a meeting of the Committee on Appropriations, followed by a meeting of the Committee on Judiciary, followed by a very brief meeting of the Committee on Rules and Executive Nominations, all in the Rules Committee room at the rear of the Senate Chamber. I do not expect those meetings to take more than five to eight minutes, Mr. President.

The PRESIDENT. For purposes of a series of brief meetings, 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

RECONSIDERATION OF SB 594

BILL OVER IN ORDER ON FINAL PASSAGE

Senator LOEPER. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 594, Printer's No. 1779, just failed of final passage.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator LOEPER. Mr. President, I request that Senate Bill No. 594 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT. Without objection, the bill will be placed on the Final Passage Calendar.

SPECIAL ORDER OF BUSINESS

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

Senator WILT, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

SMALL BUSINESS ADVOCATE

November 3, 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, Bernard A. Ryan, Jr., Box 310, R. D. 1, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as the Small Business Advocate, to serve until his successor is appointed and qualified, pursuant to Act 181, approved December 21, 1988.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

July 19, 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, David W. Rolka, 2310 Chestnut Street, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve for a term of five years, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda C. Taliaferro, Esquire, Harrisburg, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator WILT. Mr. President, I request the nominations just read by the Clerk be laid on the table.

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 815 (Pr. No. 1780) — 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 the authorized membership of the Pennsylvania State Police; and making editorial changes.

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?

Senator AFFLERBACH. Mr. President, I desire to interrogate the gentleman from Schuylkill, Senator Rhoades.

The PRESIDENT. Will the gentleman from Schuylkill, Senator Rhoades, permit himself to be interrogated?

Senator RHOADES. I will, Mr. President.

Senator AFFLERBACH. Mr. President, I would inquire of the gentleman if he would share with this Chamber the goal that he hopes to attain through this legislation to authorize an expansion of the complement of uniformed State Police by some 500 personnel?

Senator RHOADES. Mr. President, I think the key thing that we want to say to the State Police is that we appreciate

the hard work and the effort they have made. The last time this complement was approved for increase was in 1972 when it went up to 3,940, which we are quickly approaching. As of November 22nd, there were sixty vacancies with approximately forty-five new cadets coming in on Monday, which left us fifteen vacancies. In light of that, I think with the attrition we will look at between the next class which starts in January, we would probably be over peak at that particular time and be in violation of the statute, if that means anything.

Senator AFFLERBACH. Mr. President, I would further ask, is the goal of increasing the complement of uniformed personnel to place more officers on the street in serving in the Commonwealth, or is the goal to simply correct what the gentleman sees as an approach to a cap already in place?

Senator RHOADES. Mr. President, I think it is because of all the additional tasks that have been assigned. Let me say the easiest thing, in 1972 we approved the complement. Since that time, look at the number of new roads that have been built, both interstate and state highways. Look at the amount of drug problems we have and the amount of crime that has increased. Along with that, you know we are into helicopters and airplanes which the State Police are manning. The Liquor Control Board is another unit. The Attorney General's office will be taking at least fifty personnel for drug enforcement. There is the governor's detail. There is the scuba detail. There are special events at the Farm Show, at Gettysburg, at the Pocono Raceway. There are dog training officers. There is a Crime Watch Division today that we did not have back at that time. There is court time, cadets and physical fitness coordinators. There is the grads program for DUI. There is a SWAT team which is an emergency unit right now. There are officers to serve the warrants and legal papers. There is a garage inspector. Along with that, I think we have our Motor Carrier program which requires the State Police to be available. There is the Affirmative Action Division. There is the professional responsibility. All these things have increased. The officers or troopers have been taken out of the barracks they have been assigned to, and there are cases where I think if you would sit and talk to some of these officers, you would find out there is a shortfall there. I think what I am trying to say is we are trying to reauthorize this complement so the Commissioner, in conjunction with the Secretary of Budget and the Governor's office, determines that we can put additional people on to fill these voids or to fill spots where we are not having the coverage or protection we need.

Senator AFFLERBACH. Mr. President, I thank the gentleman and would care to remark further on the bill.

Mr. President, I share the concerns articulated by Senator Rhoades. Clearly, the duties which we have assigned to the State Police have increased significantly since 1971 or 1972. I do, however, differ on the method that we should utilize to approach the fulfillment of these duties. I do not believe expanding the complement by an additional 500 uniformed personnel is the most cost-effective way of meeting the need. The Commissioner of the State Police testified before a committee of this Chamber earlier this year, and in that testimony

he very clearly stated he could free up in excess of 300 current uniformed State Police to perform the tasks articulated by Senator Rhoades if he would be permitted to hire civilians to perform the clerical type duties which these uniformed patrolmen are now performing. I believe that is the cost-effective way of putting more than 300 already trained, already hired uniformed State Police on the highways. I believe that is the method we should follow. Clearly, it is far more cost effective to hire a civilian to do clerical work than it is to use a highly trained, expensively trained state policeman to do that work. We have the capacity to do that. We have the capacity to do it now. We do not have to wait for a period of time until we are able to graduate more cadets from the State Police Academy. I think that is the manner in which we should be putting the State Police to work, doing the tasks they need and not arbitrarily expanding a complement by 500 individuals at one time. I would, therefore, urge defeat of this particular proposal at this time and invite the gentleman to join with me in trying to persuade the appropriate budget-writing people in this Chamber and the other Chamber to permit the Commissioner to replace the uniformed police presently doing clerical duties with civilian personnel so we can better use the talents of the men and women already on the force.

Senator SHUMAKER. Mr. President, I rise in support of this bill. I listened to what the gentleman from Schuylkill, Senator Rhoades, had to say, and I would just like to add a few comments to that. One of the things we see occurring in this Commonwealth is that local municipalities are unable to afford the cost of a police force, regardless of how large or how small. A lot of them are reducing their forces so they only have, really, midnight services. Others have completely eliminated them, I believe almost seventy in the last two or three years. Plus, there are a couple hundred that are being served by the State Police now. I mention this because I live in one of those communities, and I know the strain that is being put on the State Police to cover these communities where they are cutting back, they are eliminating or they already exist without local police protection. Being Chairman of the Committee on Law and Justice, which includes the State Police, I have heard these complaints over the years. I think, really, the people of our Commonwealth deserve police protection, and right at the present time I think we are strained to the breaking point where this is not going to be able to be given in a complete coverage manner and I do rise to support this bill.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would ask for temporary Capitol leaves on behalf of Senator Hess and Senator Wilt who have been called from the floor.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves on behalf of Senator Hess and Senator Wilt. The Chair hears no objection. Those leaves will be granted.

And the question recurring,
Shall the bill pass finally?

Senator LEWIS. Mr. President, I think to try to suggest that by the expenditure of tens of millions of additional

dollars we are somehow or another going to enable the State Police to provide comprehensive and efficient and meaningful police coverage for local communities is just not going to be a reality. The State Police have never been equipped for that. It is not what they want to do. They respond in emergency circumstances because communities do have needs. I would strongly suggest to my colleague, the gentleman from Dauphin, Senator Shumaker, that if what he is interested in doing is spending such huge additional sums of money, we probably would get a much more efficient and worthwhile program if we devised a mechanism by which we would allocate that money on a need basis in some equitable fashion to the municipalities that do not currently have police forces so they could put their own forces into place. I think in all of the instances where the State Police had to undertake responsibilities for local communities, we have seen that the circumstances are not quite as good as we would have hoped to have and certainly not as good as would exist if there were local police employed and in place at the time. So, I think if what we are talking about is making this kind of an enormous financial commitment, we would find that our dollars would be much more efficiently spent and much more productively spent through a different fashion.

Senator BELL. Mr. President, this bill does not spend any money. All this bill does is recognize the fact that back some twenty or thirty years ago the Legislature said there should be no more State Police hired than an arbitrary figure. They had this figure—I think it was 3,900 and about 144 on the turnpike—and that figure slept so quietly that during appropriations hearings this spring, I asked the Commissioner, when was this complement set? What does this complement you are talking about mean? Nobody apparently, even then, knew what it was except that somebody had set a complement. My only objection to this bill is that we ought to remove the ceiling altogether. Then it would be up to the Governor and the two Houses of the Legislature, through the appropriations process, to determine how many state troopers be hired. As I said, this just says this artificial complement was set many, many years ago by the Legislators. I guess I am the only one around who was in the Legislature then. I do not see that that hand of the Legislature some thirty years ago should restrict the size of the State Police force, should restrict the Governor from saying to his Budget Secretary, we need more state troopers, and the Commissioner says, I need more. Then they find this dead hand from thirty years ago saying no, no, no, you cannot hire any more State Police.

Senator MELLOW. Mr. President, on the merits of the bill, I think any of us who are here today who will be voting on this bill in final passage, for us to say that we are not in favor of having additional state policemen or having additional police officers in the Commonwealth to protect the rights of our people would be foolhardy, because I do not think there is any question that each and every one of us who is here is very much so interested in law and order. We are very much so interested in trying to protect the people who live here and especially the people who live in our respective districts.

Mr. President, the one thing that I think we would like to do and has been evident to the fact on a bipartisan basis is that we would try to eliminate the scourge of drugs on our streets in Pennsylvania and to try to do it immediately. What are we doing by increasing the complement of the Pennsylvania State Police by 500? I support the discussion in the argument that was advanced by both the gentleman from Bucks, Senator Lewis, and the gentleman from Lehigh, Senator Afflerbach, with regard to the complement of the number of state policemen who are currently not actually doing work as state policemen, but, in fact, are doing various types of administrative and clerical work which could be done by individuals who are not state police people. Also, the state policemen who are trying to do the best they can to provide for police services in municipalities where, because of budgetary constraints and budgetary cuts, they have done away with local police forces, I think their arguments are very solid and strong arguments, Mr. President, and can be used not to go ahead and to increase the complement. But the one argument that I have not heard on the floor of this Senate today is where this money is going to come from. The gentleman from Delaware, Senator Bell, stated that this is not a bill that costs money. This is only a bill that increases the complement of State Police, and that, in fact, perhaps what we should do is have no complement whatsoever or no maximum whatsoever as to the number of State Police and it should be determined by the budget. I think maybe that is a very solid way of approaching this particular issue. That is not the question here at hand. The question here at hand is how can we go ahead and increase the complement from the current level maximum of 3,940 and how can we increase that by 500 to 4,440 and meet the type of budget restraints that we are going to be held to?

Mr. President, the way I understand the funding of the State Police, it is currently a two-thirds—one-third funding, where two-thirds comes from the Motor License Fund and where one-third of the State Police funding today comes from the General Fund. If we take just the additional 500 policemen, you know full well if we do increase the complement by 500 that over the next several years we obviously will increase the number of State Police by that 500. When we look at what it does to the Motor License Fund, I think we have to be concerned. The record is clear that over the past four years there has been little or no increase in revenues in the Motor License Fund. What does the Motor License Fund mean for our people? Well, probably the most serious discussions that we have had in our caucus and some of the most heated debate that has taken place on the floor of this Senate have dealt with the Motor License Fund, the percentages of how that money would be spent back in our respective districts and how that money would be utilized. The Motor License Fund money is used for highway construction projects that are not funded by a bond issue. It is used for highway maintenance, which is extremely important in Pennsylvania, especially in the over 45,000 miles of highways that we have here in this great state of ours. It is used probably most importantly to provide for safety to the motorists. When we remove any funding from

that particular item, we are going to have an impact on construction. We are going to have an impact on highway maintenance and we are going to have an impact on safety. If you stretch this out over a five-year period of time, which it would appear, it would probably take five years to increase the complement by 500. In the fifth year, Mr. President, this particular proposal would cost the taxpayers of Pennsylvania some \$26.5 million. Two-thirds of that money will come from the Motor License Fund or approximately \$18 million dollars. We have no idea in discussion or in consideration of this bill today what type of an impact that will have in our respective districts. What is going to happen back in your maintenance districts and your highway shed when it comes to a point in time where money is needed for snow removal, where money is needed in a very difficult time during the winter, and not necessarily for snow removal but for rock salt so that we can make our highways safe, if we are told by the district engineer that we have reached our maximum and that the General Assembly is going to have to give us more money, in part because of what we are doing here today without making any kind of an increase into that Motor License Fund?

Mr. President, there are many arguments both pro and con as to why we should go ahead and why we should increase the complement. But I think unless we address the fiscal issue and the fiscal constraints and the possibility of having our Motor License Fund run in a negative balance as far as funding would go, where it would have a great impact on construction, a great impact on highway safety and a great impact of highway maintenance, then I do not believe that it is timely to consider this proposal today, and would ask for a negative vote.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Helfrick has been called from the floor and I would ask for a temporary Capitol leave on his behalf.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator O'Pake, Senator Lincoln, Senator Fumo, Senator Williams and Senator Porterfield.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Helfrick. Senator Mellow requests temporary Capitol leaves for Senator O'Pake, Senator Lincoln, Senator Fumo, Senator Williams and Senator Porterfield. The Chair hears no objection to those leave requests. The leaves will be granted.

And the question, recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

The yeas and nays were 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 LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Shaffer, Senator Wilt and Senator Hess. Their temporary Capitol leaves will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 837 (Pr. No. 955) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for the sale of township real property.

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
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 Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 838 (Pr. No. 956) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for the sale of borough real property.

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
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 Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 839 (Pr. No. 957) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the sale of township real property.

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
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 Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

SB 854 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 894 (Pr. No. 1781) — 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 and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEAS—43

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

NAYS—6

Belan	Dawida	Regoli	Scanlon
Bodack	Porterfield		

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 OVER IN ORDER

SB 983 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1072 (Pr. No. 1782) — 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 and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Greenleaf	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.

BILL OVER IN ORDER

SB 1324 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

HB 1335 (Pr. No. 2076) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), known as the "Housing Authorities Law," increasing the maximum amount for which authorities may contract or purchase without bids; prohibiting evasion of requirement to advertise for bids; and providing for purchases that are not subject to advertisement and bidding.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 376 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 403 (Pr. No. 1766) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), entitled "Volunteer Firemen's Relief Association Act," further providing for volunteer firefighters' retirement plans.

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

SB 1333 (Pr. No. 1768) — The Senate proceeded to consideration of the bill, entitled:

An Act directing the Department of Corrections to study the feasibility of using certain underutilized or nonutilized State-owned buildings to house nonviolent offenders; and making an appropriation.

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

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

SB 1222 (Pr. No. 1767) — The Senate proceeded to consideration of the bill, entitled:

An Act to provide an additional appropriation from the General Fund to the Department of Public Welfare for the fiscal year July 1, 1989, to June 30, 1990, for family planning agencies.

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

SB 1233 (Pr. No. 1512) — The Senate proceeded to consideration of the bill, entitled:

An Act to provide an additional appropriation from the General Fund to the Department of Health for the fiscal year July 1, 1989, to June 30, 1990, for the Special Supplemental Food Service Programs for Women, Infants and Children.

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

SB 1224 (Pr. No. 1513) — The Senate proceeded to consideration of the bill, entitled:

An Act providing a supplemental appropriation for day-care services.

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

BILLS OVER IN ORDER

HB 125, 176, SB 266 and HB 310 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 371 (Pr. No. 1575) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the handling of asbestos-containing waste; and conferring powers and duties on the Department of Environmental Resources.

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 540 (Pr. No. 771) — The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 649 and HB 682 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

RECONSIDERATION OF SB 1072

BILL ON FINAL PASSAGE

SB 1072 (Pr. No. 1782) — Senator MELLOW. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1072, Printer's No. 1782, just passed finally.

The motion was agreed to.

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—48

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

NAYS—1

Porterfield

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

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

SECOND CONSIDERATION CALENDAR RESUMED

BILLS ON SECOND CONSIDERATION

SB 709 (Pr. No. 1700) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 913, No. 367), entitled, as amended, "Professional Engineers Registration Law," further providing for the regulation of the professions of engineering and land surveying.

Considered the second time and agreed to,

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

SB 747 (Pr. No. 811) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," increasing the amount of work of any nature which can be performed on property owned by a school district without advertising and without competitive bids; and increasing the amount of furniture, equipment and supplies that can be purchased without advertisement.

Considered the second time and agreed to,

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

SB 759 (Pr. No. 1103) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring the accreditation of persons engaged in occupations relating to asbestos; granting certain powers to the Department of Labor and Industry; and providing for criminal and civil penalties.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 810, SB 889, 952 and HB 964 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1008 (Pr. No. 1180) — 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," providing an exclusion from the sales tax of certain gold and silver.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1274, 1275, 1276, 1277, 1279 and 1280 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1285 (Pr. No. 2830) — The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILL OVER IN ORDER

HB 1298 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1310 (Pr. No. 1747) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, clarifying the fiduciary obligations of directors of corporations and other associations; clarifying certain definitions; adding provisions relating to control-share acquisitions; and providing for disgorgement by certain controlling shareholders following attempts to acquire control of certain corporations, for severance compensation for employees terminated following certain control-share acquisitions and for the effect of business combination transactions on labor contracts.

Considered the second time and agreed to,

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

SB 1335 (Pr. No. 1685) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 24, 1961 (P. L. 1135, No. 508), entitled "First Class A School District Earned Income Tax Act," further providing for powers and duties of treasurer and for interest and penalties.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1351 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1435 (Pr. No. 2855) — The Senate proceeded to consideration of the bill, entitled:

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.

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

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

BILLS OVER IN ORDER

HB 1615 and 2009 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

HOUSE MESSAGE

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 121**.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 121

HB 121 (Pr. No. 2300) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for corrupt organizations; providing for insurance fraud; providing for certification of pleadings, motions and other papers; providing for special damages; further providing for chemical testing to determine amount of alcohol or controlled substances; providing for suspension of drivers' licenses for driving under the influence of alcohol; further providing for financial responsibility and insurance related to motor vehicles; providing for proof of insurance; further providing for reinstatement of operating privileges or vehicle registration; further providing for driving under the influence of alcohol or controlled substances, for issuance of inspection certificates and for administrative duties of the Department of Transportation; further providing for securing loads in vehicles; further providing for the inspection of newly purchased vehicles; further providing for transporting foodstuffs in vehicles used to transport waste and for penalties; conferring powers and duties on the Insurance Department and the Department of Transportation; and making repeals.

Senator LOEPER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 121, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEES

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

HB 689 (Pr. No. 2885) (Amended) (Rereported)

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.

HB 2118 (Pr. No. 2886) (Amended)

An Act providing for capital projects for the Department of Corrections; providing for the issuance of bonds; and making an appropriation.

HB 2125 (Pr. No. 2791)

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for an economic development project in Clinton County.

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

HB 1633 (Pr. No. 2714)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for periodic review of support guidelines; providing for genetic tests in relation to paternity disputes; providing for mandatory attachment of income in orders of support; and providing for a periodic review of support orders.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

SB 484 (Pr. No. 1711)

An Act amending the act of August 11, 1967 (P. L. 205, No. 69), entitled "An act to validate conveyances and other instruments which have been defectively acknowledged," extending the effectiveness of the act.

Senator SALVATORE, from the Committee on Military and Veterans Affairs, reported the following bills:

SB 824 (Pr. No. 918)

An Act making an appropriation to the Pennsylvania Veterans Memorial Commission for the planned monument or memorial to be erected at Indiantown Gap National Cemetery.

SB 1366 (Pr. No. 1784) (Amended)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, extending the period of existence of the Pennsylvania Veterans' Memorial Commission; and making an appropriation.

RESOLUTION REPORTED FROM COMMITTEE

Senator SALVATORE, from the Committee on Military and Veterans Affairs, reported the following resolution:

SR 118 (Pr. No. 1727)

A Resolution recognizing the USS Pennsylvania, SSN735, as an important part of United States Naval Forces; and recognizing the men and women who serve aboard her.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Monessen High School Boys' Basketball Team by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. William Reitz, Mr. and Mrs. Doyle Whitmire, Mr. and Mrs. William Ritter, Sr., Mr. and Mrs. Samuel Clemens, Mr. and Mrs. Clark H. Benscoter, Mr. and Mrs. Conway B. Paden, Mr. and Mrs. William Kalanick, Mr. and Mrs. Doyle K. Sands, Mr. and Mrs. Walter J. Stones, Mr. and Mrs. George Drasher, Mr. and Mrs. Harold E. Foust, Mr. and Mrs. Paul Fuhrman, Mr. and Mrs. Harry Colver, Mr. and Mrs. George Fecker, Mr. and Mrs. Philip H. Makar and to Michael J. Hendrickson by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Fritz by Senator Shaffer.

Congratulations of the Senate were extended to Dr. Jack S. Pincus and to Russell Johns by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. William D. Adams and to Mr. and Mrs. Glenn Tinley by Senator Stout.

BILLS ON FIRST CONSIDERATION

Senator MELLOW. 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 824, 1272, 1297, 1341, 1366, 1368, HB 421, 422, 423, 1633, 1895, 2118 and 2125.

And said bills having been considered for the first time,

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

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, December 11, 1989, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 2:05 p.m., Eastern Standard Time.