

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 13, 1990

SESSION OF 1990

174TH OF THE GENERAL ASSEMBLY

No. 12

SENATE

TUESDAY, February 13, 1990.

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

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

PRAYER

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

Let us pray.

God of all people, we pray for the courage and strength to live the way of Your love in all of our relationships. Help us to be willing and secure enough to share from that strength, comfort and care. May we look for the good that is to be found in any person or situation, but guide us now in our work and help us to know when we have found Your truth. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 12, 1990.

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 CONCURS IN SENATE AMENDMENTS TO HB 227

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 227**.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

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:

February 13, 1990

HB 70 — Committee on Public Health and Welfare.

HB 1106 and **1186** — Committee on Judiciary.

HB 1821 — Committee on State Government.

HB 1831 — Committee on Finance.

BILLS INTRODUCED AND REFERRED

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

February 13, 1990

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, PORTERFIELD, SHAFFER, FISHER, BRIGHTBILL, WILT, HESS and GREENWOOD presented to the Chair **SB 1445**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257 No. 511), entitled "The Local Tax Enabling Act," authorizing political subdivisions to increase the rate of the earned income and net profits tax subject to approval in a voter referendum; and authorizing counties to impose a limited earned income tax subject to approval in a voter referendum.

Which was committed to the Committee on LOCAL GOVERNMENT, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, PORTERFIELD, SHAFFER, FISHER, BRIGHTBILL, WILT, HESS, GREENWOOD and ROCKS presented to the Chair **SB 1446**, entitled:

An Act requiring taxing districts to further disclose rates of real property tax, proposed changes in real property tax rates and reasons for the changes in the real property tax rate; and imposing additional duties on the State Tax Equalization Board.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, FISHER, BRIGHTBILL, WILT, GREENWOOD and ROCKS presented to the Chair **SB 1447**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing an exclusion from taxation of a portion of the market value of residential real property; and authorizing an exclusion from taxation of a portion of the market value of all real property.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, FISHER, BRIGHTBILL, WILT, GREENWOOD and ROCKS presented to the Chair **SB 1448**, entitled:

An Act authorizing the State Tax Equalization Board to provide financial assistance to counties for assessment reform; creating a revolving loan fund from a restricted account within the General Fund; providing for grants-in-aid and loans for assessment improvement including countywide reassessment; providing for the powers and duties of the State Tax Equalization Board; and making an appropriation.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, BRIGHTBILL, WILT, GREENWOOD and ROCKS presented to the Chair **SB 1449**, entitled:

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), entitled, as amended, "State Tax Equalization Board Law," further providing for powers and duties of the State Tax Equalization Board; creating and empowering an advisory committee; establishing an assessment loan fund; making an appropriation; and making editorial changes.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, BRIGHTBILL, WILT, HESS and GREENWOOD presented to the Chair **SB 1450**, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "Third Class County Assessment Board Law," limiting the act of second A class counties.

Which was committed to the Committee on FINANCE, February 13, 1990.

RESOLUTIONS INTRODUCED AND REFERRED

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

February 13, 1990

URGING THE GOVERNOR TO DECLARE THE THIRD SUNDAY IN MAY AS "PEACE DAY" IN THIS COMMONWEALTH

Senators WILT, LINCOLN, GREENLEAF, PETERSON, REIBMAN, ARMSTRONG, LEWIS, TILGHMAN, AFFLERBACH, FISHER, BAKER, JUBELIRER, FATTAH, LEMMOND, MELLOW,

LYNCH, STEWART, PUNT, GREENWOOD, HELFRICK, RHOADES, JONES, WILLIAMS, STAPLETON, REGOLI, CORMAN, HESS, DAWIDA, ANDREZESKI, SALVATORE, MADIGAN, ROCKS, LOEPER, HOLL, STOUT and BELAN offered the following resolution (**Senate Resolution No. 141**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 13, 1990.

A RESOLUTION

Urging the Governor to declare the third Sunday in May as "Peace Day" in this Commonwealth.

WHEREAS, Pennsylvanians and all Americans share the goal of a peaceful world where freedom flourishes and where mutual respect prevails; and

WHEREAS, Peace includes much more than merely the absence of war, but also the existence of individual liberty, democratic rights and free enterprise; and

WHEREAS, Throughout the history of our nation, American men and women have made the ultimate sacrifice on battlefields with names such as Lexington, Normandy Beach, Inchon and Hue to build a peace in which freedom could flourish and justice could prevail; and

WHEREAS, This Commonwealth is currently home to more than 1.5 million veterans who bravely served our country so that we could build a more peaceful, secure and democratic world; and

WHEREAS, The citizens and the leaders of this nation have wisely recognized that the only way to achieve a true and lasting peace has been to maintain a strong America; and

WHEREAS, The policy of peace through strength has recently played a major role in historic breakthroughs on super-power arms control and reductions; and

WHEREAS, America, with her commitment to democratic ideals, is the only nation with the strength to lead the world to a more peaceful world; and

WHEREAS, The citizens of this Commonwealth and the rest of the nation have demonstrated their continuing commitment to peace and security through vast contributions to science, the arts and humanities, education, peaceful economic competition and national defenses; and

WHEREAS, America's diverse people have proven that diversity is not a weakness but a strength that can be directed to peaceful ends; therefore be it

RESOLVED, That the Senate urge the Governor to declare the third Sunday in May as "Peace Day" in this Commonwealth and urge all citizens to engage in activities that will help bring about the conditions necessary to a true and meaningful peace among all nations.

URGING THE GOVERNOR TO REPUDIATE THE DECISION OF COMMISSIONER OF CORRECTIONS DAVID S. OWENS AND EXPLICITLY DIRECT THE COMMISSIONER NOT TO REIMBURSE INMATES FOR ANY PROPERTY LOST OR DESTROYED IN CONJUNCTION WITH THE CAMP HILL PRISON RIOT

Senators PECORA, JUBELIRER, BRIGHTBILL, LOEPER, FISHER, SHUMAKER, TILGHMAN, WILT, SHAFFER, LEMMOND, ARMSTRONG, RHOADES, HOLL, GREENWOOD and CORMAN offered the following resolution (**Senate Resolution No. 142**), which was read and

referred to the Committee on Rules and Executive Nominations:

In the Senate, February 13, 1990.

A RESOLUTION

Urging the Governor to repudiate the decision of Commissioner of Corrections David S. Owens and explicitly direct the Commissioner not to reimburse inmates for any property lost or destroyed in conjunction with the Camp Hill prison riot.

WHEREAS, In a memorandum dated November 20, 1989, Camp Hill Acting Superintendent Jeffrey A. Beard asked the Commissioner of Corrections, David S. Owens, to select the appropriate manner of reimbursing prison inmates for personal property destroyed in conjunction with the Camp Hill prison riots of October 25 and 26, 1989; and

WHEREAS, Commissioner Owens was presented with three reimbursement options, including one that would require inmates to prove their personal property was not destroyed by other inmates; and

WHEREAS, Commissioner Owens on January 22, 1990, chose the option which would reimburse inmates for destroyed personal property and provide inmates with a \$45 stipend for use in the commissary with the provision that payments to individual inmates could later be reduced if the inmate was found guilty of misconduct during the prison riot; and

WHEREAS, Commissioner Owens blamed the guards for destroying the inmates' property and determined that inmates should be reimbursed using General Fund money; and

WHEREAS, Commissioner Owens further instructed Acting Superintendent Beard to hire a claims adjustment firm in the event that inmates were dissatisfied with the reimbursement process; and

WHEREAS, Commissioner Owens in his directive of January 22, 1990, made reference to the fact that the Comptroller of the Governor's Budget Office said his office would pay for the inmate's property with a general invoice; and

WHEREAS, The Department of Corrections told the press on February 7, 1990, that claims would only be paid to inmates not involved in the riots of October 25 and 26, 1989; and

WHEREAS, It is reported that Budget Secretary Michael H. Hershock verbally informed the Department of Corrections that there was no money in the budget to pay for inmate property; and

WHEREAS, There is a lack of direction from the Governor in regard to establishing prison policy for the Commonwealth; and

WHEREAS, This lack of policy direction has directly contributed to the formulation of misguided prison policy by the Commissioner of Corrections and the Budget Secretary; and

WHEREAS, The inmates at Camp Hill State Correctional Institution burned down a prison, clogged the courts of Cumberland County, caused State Police officers to be reassigned from regular duties to the Camp Hill prison at a cost to the taxpayers of at least \$20 million; and

WHEREAS, A policy to reimburse inmates for the loss of personal property would sanction the actions of the inmates and would be contrary to the best interests of law-abiding citizens of this Commonwealth; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania urge Governor Casey to repudiate the decision of Commissioner of Corrections David S. Owens and explicitly direct the Commissioner not to reimburse inmates for any property lost or destroyed in conjunction with the Camp Hill prison riot.

RESIGNATION OF SENATOR JAMES E. ROSS

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

DEMOCRATIC CAUCUS ADMINISTRATOR SENATE OF PENNSYLVANIA

January 22, 1990

Honorable Mark S. Singel
Lieutenant Governor
Commonwealth of Pennsylvania
200 Main Capitol
Harrisburg, PA 17120

Dear Mark:

I am writing to officially inform you of my decision to resign from the Pennsylvania Senate effective February 28, 1990.

Please be advised that my duties as the Democratic Caucus Administrator will also be concluded on this date.

Throughout my career, I have made every effort to represent the good people of my district to the best of my ability and through their generous support, I have had the opportunity to make many lasting friendships from all corners of this great Commonwealth.

It has been an honor for me to serve in the Senate and I would like to take this opportunity to thank you and my colleagues for the support, cooperation and more importantly, the friendship provided me over the years.

Thank you very much and best wishes to all for years to come.

Sincerely,

JAMES E. ROSS

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Resolution No. 141 and a resolution regarding reimbursement of inmates for property lost or destroyed in the Camp Hill Prison riot and certain executive nominations.

BILL SIGNED

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

HB 227.

RESOLUTIONS REPORTED FROM COMMITTEE

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

SR 141 (Pr. No. 1922)

A Resolution urging the Governor to declare the third Sunday in May as "Peace Day" in this Commonwealth.

SR 142 (Pr. No. 1950)

A Resolution urging the Governor to repudiate the decision of Commissioner of Corrections David S. Owens and explicitly direct the Commissioner not to reimburse inmates for any prop-

erty lost or destroyed in conjunction with the Camp Hill prison riot.

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

APPROVAL OF REGULATIONS

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulations have been submitted with the notification that there were no objections, for approval by the Independent Regulatory Review Commission:

State Board of Landscape Architects - Fees, 16A-245;
State Board of Nursing - Applications for Examination for Licensure, 16A-246;

State Board of Psychology - Fees, 16A-247;
State Board of Architects - Fees, 16A-248;
State Board of Accountancy - Fees, 16A-249;
State Board of Physical Therapy - Fees, 16A-250; and
State Board of Professional Engineers - Fees, 16A-251.

REPORTS FROM COMMITTEES

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

SB 1377 (Pr. No. 1761)

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

HB 24 (Pr. No. 3097) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for rates.

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

SB 802 (Pr. No. 882)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the continuation of medical insurance coverage for survivor-spouse annuitants.

SB 888 (Pr. No. 1012)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for cigarette licensing and license fees.

SB 1116 (Pr. No. 1942) (Amended)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining "tangible personal property" with respect to prebuilt housing; and further providing for the imposition of the tax on prebuilt housing.

DISCHARGE PETITION

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

In the Senate, February 13, 1990.

A PETITION

To place before the Senate the nomination of Alan L. Butkovitz, Esquire, as a member of the State Board of Optometry.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Alan L. Butkovitz, Esquire, Philadelphia, Pennsylvania, as a member of the State Board of Optometry, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

LEAVE OF ABSENCE

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

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Bodack and Senator Regoli and legislative leaves for Senator Lynch and Senator Stewart.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Bodack and Senator Regoli as well as legislative leaves for Senator Lynch and Senator Stewart. The Chair hears no objection to these leave requests. The leaves will be granted.

CALENDAR

SENATE RESOLUTION NO. 138, CALLED UP OUT OF ORDER

Senator LOEPER, without objection, called up out of order from page 6 of the Calendar, as a Special Order of Business, Senate Resolution No. 138, entitled:

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 138, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 138.

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

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

YEAS—47

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

NAYS—0

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

SPECIAL ORDER OF BUSINESS

**LOCK HAVEN UNIVERSITY 1989
NCAA DIVISION III NATIONAL
CHAMPION FIELD HOCKEY TEAM
PRESENTED TO SENATE**

Senator CORMAN. Mr. President, it is a great pleasure for me today to introduce to the Senate the 1989 NCAA Division III National Champion Field Hockey Team, the Lady Eagles from Lock Haven University. The Lady Eagles compiled a record of 17-4-2 this year and won the national title by beating the defending national champs and previously undefeated Trenton State University. While we are justly proud of this team's accomplishment, allow me to note, Mr. President, that under the direction of Head Coach and Lock Haven University Athletic Director, Dr. Sharon Taylor, the Lady Eagles have appeared in a total of four national title games, winning three in 1981, 1982 and 1989 and finishing second in 1983. In the seventeen years under Dr. Taylor's direction, the Lady Eagles have compiled a combined record of 232 wins, 69 losses, 23 ties, winning five Pennsylvania State Athletic Conference Championships.

Mr. President, it is with a great deal of pleasure and pride that I present to the Senate the National Champion Lady Eagles from Lock Haven University, under the direction of Dr. Sharon Taylor.

(Applause.)

Senator CORMAN. Mr. President, at this time I would like to invite Dr. Taylor to share a few words with us.

The PRESIDENT. The Chair thanks the gentleman. We are delighted to have the Lady Eagles with us today and would be delighted if Coach Sharon Taylor would favor us with a few remarks.

Dr. TAYLOR. Thank you, President Singel, Senator Corman, ladies and gentlemen of the Senate of the Common-

wealth. We are deeply appreciative of this honor and grateful to be received here by you this afternoon. Lock Haven University, like so many of its sister institutions in the State System of Higher Education, has a long and proud history of athletic competition, having won many state, regional and national championships in both men's and women's sports. This third championship for the field hockey team is especially rewarding, and we thank you very much for this honor. These young women over here have represented themselves extraordinarily well, not just as skilled athletes but also as fine human beings, and are great representatives of themselves, their university, and since we beat Trenton State, the Commonwealth of Pennsylvania.

We thank you very much for your recognition this afternoon, and we hope we will be back to visit with you many times in the future and under the same circumstances. Thank you.

(Applause.)

The PRESIDENT. Our congratulations to the Lady Eagles from Lock Haven. We are delighted to have you with us. We will enter the names of all of the members of the team as well as the coaches into the official record. Thank you very, very much for coming. The head coach is Sharon E. Taylor, Director of Athletics at Lock Haven University; assistant coaches, Bridget Roun and Jill LaPoint; managers, Kim David and Lisa Gensemer; trainers, Joanne Carvalho and Mary Conklin; team members, Brooke Atland, Melissa Carman, Kelly Charles, Teresa Cisney, Vicki Derr, Tara Egolf, Lisa Hewitt, Lynn Katarynick, Laurie Kerr, Kate Knox, Robyn Rinkowski, Dot Schmidt, Gia Sgrignoli, Michelle Smith, Kathy Stein, Dawn Zipay Therrell, Tracy Trapp and Diane Yonker.

SPECIAL ORDER OF BUSINESS

**FAREWELL REMARKS ON RETIREMENT
OF SENATOR JAMES E. ROSS**

The PRESIDENT. It is the Chair's further pleasure at this time to interrupt the proceedings for the purpose of some special remarks on the retirement of Senator James E. Ross. At this point the Chair would ask if there are those who wish to make a few brief remarks at this time.

The PRESIDENT pro tempore. Mr. President, it hardly seems possible, as we look at this February day, that one of our Members has decided to kind of hang it up and call it—and I cannot use the word "quits" because that word just does not belong in Jim Ross' vocabulary or in any description of him. Mr. President, unfortunately, as the last class left here, we got embroiled in so many things on a sine die day that we were not able to make remarks honoring a beloved colleague who was leaving us and going back into the private sector. The term "beloved colleague," indeed, applies to Jim Ross. I have been here now a little over fifteen years, Mr. President. Like all the Members of this Body, we have had a great opportunity to share experiences with others, to meet some respective colleagues, to enjoy some fellowship, but I

cannot say without equivocation that there are many amongst us who have engendered the kind of affection, respect and admiration than has the gentleman from Beaver County, Jim Ross. We tend sometimes to use the word "special" perhaps too much, and maybe I am guilty of that too, but I cannot help but think, Mr. President, this is a very special human being who has given so much of his time, his efforts, his talents, his energies at the risk of his own personal health, the risk of being away from a beloved wife and children. It was always a pleasure to have a grandchild a day come about for Jim, to have the pleasure to enjoy that. But Jim Ross does do that to you. I do not think he has an enemy in this Body. I do not think he has had an enemy ever, certainly not in this Body. We in the political world know what it takes to get here, to survive here, to get reelected, to rarely, if ever, have an opponent. It takes just about the kind of person who is leaving our midst today. Mr. President, he is someone whom I looked up to, that, as a junior Member of this Body, I sat in his office, I talked with him, I counseled with him and, frankly, I guess there were times when there were tears in my eyes. Mr. President, at the risk of his own health, he has probably stayed maybe a little longer than he should have. I hope as he leaves here today that his health will get better and that his family will see more of him. His handicap is going to drop, we already know that. I know that he will come back, that he will be involved, that he will be among us and, certainly, Mr. President, he will always be in my heart. I feel that I am a better person today, Mr. President, because I have had the opportunity to meet, work with, enjoy the fellowship of, counsel with and share experiences with a very dear, special human being. Senator Ross, my friend Jim, from the bottom of my heart, I wish you well. I shall miss you.

Senator SALVATORE. Mr. President, I talked with Jim privately a few minutes ago. I just want to publicly state that Jim and I came to Harrisburg together. He came to the Senate and I went over to the House. The first time I ever met Jim, that night we went out and had a few drinks and then we went to school together to learn about the legislative process. I found Jim to be a warm human being the first day I met him. Our friendship has been so these past eighteen years that we have been up here together, and I just want to say Jim has never been the type of a guy that you had to say "Senator" to as a colleague. He was Jim to me and I was Hank. He was the kind of a guy who made me feel so comfortable, even though he was going to the Senate and I was going to the House. He was going to the Upper Body. Through the years, we have always been friends and respect is something he has that permeates—everybody respects him. That is something that God gifts you with, that ability that people want to respect you, and Jim has that ability. I just wish him well and I told him privately this is not going to be the last time, and we are going to see each other. I hope we meet on the golf course again, and I hope, maybe, this time I will beat him.

Senator O'PAKE. Mr. President, people come and go in this fine institution. Some make more headlines than others. Jim Ross and I came here together, back in January 1973. We

have been around here for a long time. Many things have changed, but one thing has never changed and that is Senator Jim Ross.

Senator Ross is a man with a heart as big as Beaver County, and that heart has always been in the right place. I remember visiting his county when we were trying to change the child abuse laws of Pennsylvania, and if there was anyone so totally committed to that cause as Jim Ross, I never met him. I was with him in Beaver County at many meetings where he was trying to help the senior citizens of his area. We all know how he has fought long and hard to bring jobs and economic development projects to his area of Pennsylvania. If you ever visited Beaver County, you had to stop at his office because that little office that used to be on the main street of Beaver was literally a one-stop shopping center where all the people of the community could come for help. Jim and his dedicated staff always put people first. He really embodied the spirit of all the people in his district.

It is always hard to say good-bye, especially to someone whom you have worked with and respected for so many years. So, instead of saying good-bye, I just want to say, thank you, Jim, for always being there with your help, with your advice and with your fatherly care. We will truly miss you. Take care of yourself, brother, and take care of your beautiful family.

Senator HESS. Mr. President, during my early years here when we held our Republican caucus in the telephone booth, I ran across a problem in my district, and I was advised by the local individuals to check with Senator Ross for assistance. I made an appointment and went to his office, and he guaranteed me his help. I have always been taught by my parents that a man's word is his bond. I have often taught my students that a man or woman's word up here is greater than any piece of legislation. It is more sacred. What I will remember most about Jim Ross is his word is his bond, and I thank him, and I am just grateful I had a chance to know the gentleman.

Senator JONES. Mr. President, I guess, perhaps, a lot of people in this Chamber are kind of surprised that I am standing to speak on Senator Ross. But little do most of you know, when I first came here, he was a person I could ask about certain things I did not understand. He never talked loud. He would just tell me what was right and what was wrong. I really have appreciated that. I liked his gentleness. I think I liked him so much more because I found he had those nine daughters and all those grandchildren. He is a family man. But most of all I found him to be a very honest person, a very sincere person, and I love him and I am going to pray for him and ask God to watch over him and his family. I hope when he feels good sometime he will come to see us. I intend to try to stay in contact with him because, truly, from the bottom of my heart, I have appreciated the assistance he has given me since I have been here. Most of all, Senator Ross—I might as well be honest about it, too—I am going to miss that good food we had down in his office.

I am going to pray for you and may God bless you. May he keep you, and I can truly say that in your time and in your space with God's grace since you have been here all these

years, you have made a difference, and on me even before I became a Senator. God bless you.

Senator WILLIAMS. Mr. President, to Senator Ross I will not say all I really want to say. I am constrained to say it in a context. I guess all of us have things that are contextual for us most of our lives, whatever our experiences are. If one is an Irishman in Northern Ireland, he understands that; or a Protestant or a Catholic, he understands that every day of his life. Or if you were Jewish in Nazi Germany, you understand that every day of your life; or if you were in Bangladesh, and had your own religion, you understand that every day of your life, and so forth and so on.

I have had, I guess, a world of experience being with different groupings of people at many, many points of my life, in athletics and otherwise, people of different ethnic groups and religions and even those folks of my own ethnic group. We have always at times had to make adjustments. I will never forget when I was in the service as an officer, I traveled from one end of the country to the other. In many places my wife and I could not get accommodations and, indeed, in Tulsa, Oklahoma, at that time I entered a restaurant and the owner pulled a knife on me because I was supposed to go around to the back. I guess you know what I did. But, nevertheless, in Missouri there was a motel which said "All American." I was shocked and so I took the dare and the gentleman said, well, fine, you can stay for the night, everything is cool. This is an All American Motel and we are all Americans, and that just stuck with me as one example of many people who just take you straight up without all of the baloney involved. I speak in a context of which we are all familiar, but that is my life. Your experiences are what your experiences are. I said that all to say that Jim Ross, for me, means a lot of things. But, Jim, you just have to know that since the day I met you, you have been a person I could just talk to as one person to another no matter what the issue was. I always had that open feeling, unrestricted by anything, and I love you for that. It will stay that way. I am not going to talk about your sausages and all those other things. I just could not take it. But I shall remember you as one of the significant people of this Body that I joined some seven years ago.

Senator SCANLON. Mr. President, I think Jim Ross' greatest asset is that he was from very humble beginnings, a man of the street. He worked in the mills and came from a very poor background. He never lost that touch and he never changed, and he never forgot where he came from. All of it falls into line when I remember the first time I ever met him. I had just been elected to the Senate, and I heard all about their fancy dining room and what a great place it was, how everyone over there was so highfalutin, and how they all lost their first names and were now all called "Senator." I walked into the dining room back here and Jim Ross was making himself a sandwich. It was not pheasant under glass, it was baloney—three slices of baloney on rye bread. He very artistically coated it with the darkest, ugliest looking mustard I ever saw. He put the sandwich together and poured himself a cup of coffee. He sat down at a table where I was, and I introduced

myself to him and damned if he did not dunk that baloney sandwich into that coffee. I said, that is my kind of guy. God bless you, Jim.

Senator REGOLI. Mr. President, this is both a happy and a sad occasion. Saying good-bye to Jim Ross is not easy. Jim, I am sorry to see you go. You have been a good friend of mine for three years, and I know three years does not sound like a long time in comparison to the time that he has been a friend to the rest of our colleagues, but it has been quality time. I want to thank Jim Ross for his help. Many nights I think you have seen me slide my chair over to Jim and huddle up with him when it was time to make a very tough decision, and I appreciate the honesty and sincerity that he counseled me with. He never, never led me astray, and, Senator, you are right, he is a man of his word. I certainly agree with the gentleman from Blair, Senator Jubelirer, that he has no enemies. He showed me that you do not have to speak loud in this Body to be heard, and he showed me that you can command respect without demanding it. They are some lessons I hope I can remember a long time. But it is also a happy occasion because Jim Ross worked his entire life and he worked hard, as the gentleman from Allegheny, Senator Scanlon, said, and he worked for this day, a day which he can begin to enjoy himself and do the things that he enjoys doing most, to spend it with Dorothy and his nine children and his couple of dozen grandchildren. I know Jim Ross is going to be happy. He may think about us occasionally, gentlemen, and he may miss us a little bit, but I know he will be much happier doing what he is going to be doing for the next ten or fifteen years than what he has been doing for the past. I think I can sum up Senator Jim Ross in a simple verse.

"Don't walk in
front of me,
I may
not follow.
Don't walk
behind me,
I may
not lead.
Walk beside me and be
my friend."

As Jim Ross has walked for so many years.
Jim, God bless you and your family.

Senator LINCOLN. Mr. President, I would say to you that probably Gene Scanlon came as close to saying about Jim Ross as what I would feel and what I would say. I remember a long time ago being in a conversation with Jim, and they were talking about his family. Someone said, eight daughters. How do you get in the bathroom? What do you use for a bathroom? Jim said that for years his bathroom was in the Texaco station across the street, and I believe that. I believe that is the kind of life he led at home, and that is why he led such a good life as a Legislator. The part of him we are not going to talk about today probably is that he has also been a fighter. When I was in the House, I remember the 1977 budget. He probably took a bigger beating during that summer than any one person

legislatively ever has had to do. He was younger and he was healthier and he was stronger. I remember him standing like a bulwark. There were those of us who were running around frustrated and screaming and hollering at one another, and he just kind of kept quiet and kept pounding away, and finally we got through that.

He has a nickname for me. He calls me a slate picker. I have never been able to figure that out completely, but I always felt that it meant that I was a little bit like him.

Jim, good luck.

Senator LOEPER. Mr. President, I think many times there seems to be a sense of regret when a Member of this Chamber makes the difficult decision that it is time to conclude their career of public service after a long career they have spent in both the House and the Senate. I think particularly when someone departs, Mr. President, who is noted for specific abilities, whether it be his character, his honesty or his integrity, which are really hallmarks and keymarks of Jim Ross, the institution of this Senate certainly loses something that is very important. I think, Mr. President, any of us who would examine Jim Ross' record would see that his performance, maybe, on the Senate floor is not one that is filled with great flowery oratory or one that really is characterized by public relations of what he does or what he does not do. Rather, I think there is a recognition among all of us, and more specifically and particularly the constituents he represents, of the hard work on behalf of his district, a district that has serious economic needs and ones that he tries to address on a regular basis. I think we all realize Jim Ross has earned a reputation as an advocate for Pennsylvania workers. If we look at some of the issues in which Jim has been active—state assistance for distressed municipalities, major highway construction and bridge projects, key economic development programs—I think we can recognize that each one of these is a significant effort where he was instrumental, not only in the creation of but also the implementation that will benefit many Pennsylvanians and all Pennsylvanians for years to come. Jim Ross has been a Member of this Body for seventeen years, and I think being a Member for that long certainly entails a great deal of effort and sacrifice. At times during service we experience disappointments over the problems we cannot quite find the solutions for. But yet, on the other hand, I think we have achieved a great deal of satisfaction over the challenges that have been successfully met. I think Jim Ross demonstrates one who has successfully met most of those challenges. He has been a leader in action, as well as by title, in achieving results for his home county of Beaver County and much of the western Pennsylvania area.

I would like to take this opportunity, Mr. President, to express my gratitude for Jim Ross in being a Member of this Senate, and also on behalf of our entire caucus. We extend our appreciation to Jim Ross for his service to the Senate of Pennsylvania, and we convey our best wishes to Jim for a long and enjoyable retirement.

Senator STOUT. Mr. President, as a Senator who also has a small portion of Beaver County, indeed, it is a day of mixed

emotions as I say good-bye formally here on this Senate floor to my good friend and colleague, Jim Ross. Up until 1981, Senator Ross represented northern Washington County and all of Beaver County. After the redistricting, northern Washington County and ten communities in southern Beaver County were added to the forty-sixth district. I will never forget the cooperation and support that I received from Jim as the transition occurred in representing those constituents in that northern Washington County—Jim had a large area—and the southwest corner of Beaver County. Although sparsely populated, Jim set up regional meetings throughout that district instead of just dropping the ball in my hands with different problems and things Jim was working on, and he helped me and introduced me to elected officials in Beaver County and the townships, boroughs and school districts. Not only Jim but his entire staff assisted me in representing that district, and I will never forget the fine cooperation I received from Jim.

Anyone who is familiar with the geography of Beaver County will know that Beaver County is bisected by rivers: the mighty Ohio River, the Beaver River and the Mahoning River. Beaver County has naturally, because of those rivers, a lot of bridges, and I would liken Jim Ross to a bridge. He has been able to bring people together. Jim has been able to work with other elected officials, with people from business, commerce, industry, labor, and senior citizen groups, all the groups that we as Members of the Senate deal with. He has been a bridge to be able to bring people together. Jim has had a very difficult time in the decade of the '80s in dealing with an economy in the Beaver Valley and Ohio Valley areas of transition in the heavy steel manufacturing and chemical industries. Jim has worked diligently, whether it is in this Chamber, in committee meetings or appearing before the Highway Transportation Commission, advocating for highway improvements necessary to help bring back the economy of his district.

Jim, I want to thank you, your family and your staff for all of the courtesies you have shown me over the years. I do not want to say good-bye to you because I know you will be working on behalf of your people in Beaver County. Anyone who has worked with Jim always knew that he talked about his people. Well, his people, I want to assure the Members of the Senate, were all the people of Beaver County and Lawrence County whom Jim represented.

Senator MELLOW. Mr. President, on a very warm day in the fall of 1989, on a Wednesday afternoon as we had just concluded Session—and I really wanted to go outside and kind of smell the fresh air of the day—Senator Ross called and said, can I come over and see you for a moment?

I said, sure. I had no idea at that point in time what he wanted to talk about.

He came over and said to me, I think it is important that I let you know first, before anyone else knows—and then swore me to secrecy, of which we did not reveal—that he was considering the possibility of resigning in a very short period of time, because of health reasons, from the Pennsylvania Senate. He told me that he thought perhaps he would do it in some type

of a fashion right before the end of the year, which was the time he was looking at.

I kind of said to him, Senator, why do you not think in terms of doing it in 1990? We will get by the Christmas holidays. We will get into the new term. The Session will kind of slow down, and then at your leisure you can go ahead and you can make your announcement. I knew he was having some physical problems. Then, unfortunately, Mr. President, right before Christmas, Senator Ross got sick in the Capitol. Thank God, it was nothing of a very serious nature, but I think it was that particular day, right before Christmas, that the realization came to Senator Ross that, perhaps, he should not wait until sometime in the middle of the year of 1990 but should make his announcement at that point in time that he was going to resign from the Senate. So it was with a great degree of sadness that myself and the gentleman from Indiana, Senator Stapleton, and several other Members of the Senate went over to the Governor's Office, and an announcement was made by Jim and by the Governor that come February 28th, Senator Ross would be resigning from the Pennsylvania Senate.

I believe, Mr. President, it has been very appropriately stated by other Members of the tremendous legislative accomplishments of Senator Ross. The gentleman from Allegheny, Senator Scanlon, talked about the first time he was exposed to Senator Ross and the way he took that baloney sandwich with that dark mustard and dunked it into coffee that was probably two or three hours old. I have to tell you, Mr. President, about my first experience with Senator Ross, having come to the Senate two years before Jim. Jim was elected in November of 1972, and I can very vividly recall a very heated debate that was taking place on the floor of the Senate between a current Member of the Senate and a former Member of the Senate. The individuals shall remain nameless. What took place that day was a discussion dealing with workmen's compensation for an occupational disease with coal miners. The two Members of the Senate, Mr. President, went out through the entrance on this side of the aisle into the back, and I was back there. This discussion that took place on the Senate floor that appeared at that point in time to be rather friendly, immediately became very unfriendly, and I was standing between the two. As I was standing between the two, who came walking over but Senator Ross. One Senator looked at the other, and the one guy called him a liar, and he said, do not ever call me a liar. For the first time, and thank God the only time, I have seen it happen, one guy threw an overhand right—very similar to the overhand rights that Buster Douglas hit Mike Tyson with on Saturday—but the person who got hit with that overhand right was Senator Jim Ross as he tried to break up this little confrontation. That was prior to Jim being sworn in into the Senate back in 1972. He has been such a viable part of our caucus. He has been such a stabilizing force in our caucus from that point in time, Mr. President, that his presence is going to be missed tremendously.

You know Jim, I believe, has served as a Member of Leadership since 1977, for thirteen years, served as caucus chair-

man, as caucus secretary and just recently as caucus administrator. The gentleman from Delaware, Senator Loeper, talked about the tremendous accomplishments of Senator Ross and they are many. But I think the one accomplishment, Mr. President, I would like to point out as maybe his greatest legislative accomplishment, not the time he spent down here when Three Mile Island was so active back in 1979, not the time that he spent in 1974 at Donegal Interchange on the Pennsylvania Turnpike when we had a tremendous snow storm and he took over and spent several days there to make sure the operation was run in a proper fashion, not the tremendous legislative accomplishments that he has been involved in, but the thing I think, legislatively, we have to look at is his recognition that his area was in dire need of help and his sponsorship not only of the \$500 million bridge authorization bill in 1988, but more importantly, the \$4 billion toll road expansion bill of 1985. The outcome of that toll road expansion, Mr. President, was just this fall with the first part of the Beaver Expressway, which is going to be sixteen miles in length and runs between New Castle and Beaver. The groundbreaking actually took place for that road. I think it would be only fitting and proper when that road is completed—and we hope it will be in 1992—it will not be known as the Beaver Valley Expressway, but that, in fact, should be known as the Senator Jim Ross Expressway. I think at that point in time we will make that type of recommendation.

Mr. President, Senator Ross is a veteran and a hero of World War II, but I think his greatest accomplishment is not his legislative accomplishment. Senator Ross' greatest accomplishment is the fact that he has a lovely wife, Dorothy. They have been married forty-eight years this year. They have eight daughters and one son and they have twenty-three grandchildren and the twenty-fourth coming sometime this summer. I think that, Mr. President, is Senator Ross' greatest accomplishment.

You know, Jim, it is very, very hard to say good-bye, especially to people of your stature. I do not believe we in the Senate here this afternoon are saying good-bye to you. I think all we are saying to you is we hope for many, many years to come you and your lovely wife and your daughters and your son and your grandchildren will spend many, many happy days together and that the Pennsylvania Senate, this great institution that it is, is better because Jim Ross was here and spent so many great years with us.

Jim, congratulations on your retirement and God bless you.

GUESTS AND AIDES OF
SENATOR JAMES E. ROSS
PRESENTED TO SENATE

The PRESIDENT. The Chair would also recognize the presence in the gallery of long-time aides to Senator Jim Ross. We are delighted to have Tony Rigano and Lisa Reigle with us, as well as the County Commissioner from his home County of Beaver, Commissioner Gerald LaValle. Would you please rise so we can recognize you and thank you for coming to join in this tribute to Senator Jim Ross.

(Applause.)

The PRESIDENT. The Chair would also add his strong words of thanks and appreciations to Jim Ross, and with the indulgence of the Senate, note that Jim Ross probably hated every minute of it, knowing his disdain for this kind of ceremony. Still, the Senate loves you, Jim Ross, and we appreciate everything that you have done for this Body and for the Commonwealth of Pennsylvania.

Senator ROSS. Thank you, Mr. President, and thanks to all of my good colleagues who have said so many nice things about me. It is greatly appreciated. It is not that I am wanting to run out of this institution, it is a great institution, and I am proud to have been a Member of it, one of fifty. The newspapers called us a club. But for some reason or another, a lot of things get done in this Body. Sometimes I wondered about it with the rhetoric that I have been listening to on this floor. But, the more I think about it, I got a lot out of the rhetoric. I never expressed much on my own. I am not one to talk much or waste a lot of time, but I had many enjoyable and many tough days here.

I want to thank my caucus and my party for giving me the opportunity to serve here. I want to thank the other side of the aisle for the many courtesies they extended to me and the districts that I represent in our hour of need. I also want to thank them, along with my colleagues, of course, over here, for the bills we passed which serve all of Pennsylvania and all Pennsylvanians in the bridge area, the roads, the accesses and the dire need of them to complete economic projects and reindustrialize parts of this state. I really appreciate it.

I wish my mother and father were living. I have a lot I could thank them for and I would love for them to be here today, and maybe they are. They gave me a decent home, and my father made an honest living with his hands. I worked fifty years now for a payday—twenty years at hard labor. I did a little bit of cleaning up around the coal mines, worked in steel mills, worked in junkyards, became a construction superintendent and I served my country. So, having served my country and having served in the Senate I think made me a better man.

I want to thank my lovely wife and my good family and children for what they put up with all these years. I have spent most of my time away from home, away from them, but now I would like to go home and spend the remaining years with them.

Again, I want to thank the constituency that I have represented for all the help they gave me. Again, I have to thank the Republican Party. Out of five terms down here, two of them were free rides and the other three were with token opposition. So it did not make it too hard for me. There were times that I did cross the line to help them out and help our state out in the unemployment compensation problem. They called me "Jim the Ripper" back home. They picketed me. I went through some tough times there for about three months and then a couple of years later, they did exactly the same thing and added more to it and now you are a good boy. So everything balances itself out.

But you are a great bunch of people. People think we waste a lot of time here, but sometime at the end of the year, the credits show up, and I would like to give you about a 95 on your report card and I am glad to have been a part of the report card.

Thank you very much for everything. I love you all. I am not going to say good-bye. I will just say so long for a while.

(Applause.)

PERMISSION TO ADDRESS SENATE

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

Senator WILLIAMS. Mr. President, I will be brief. In modern times we have experienced in dictatorships three great isms: Nazism, Communism and racism. Presently, as of Sunday, we are on the brink of a breakthrough in South Africa affecting the last of those isms. Whereas we all in this country have applauded the present events, I think it is appropriate for us to recognize as Americans who are opposed to, fundamentally, those isms, that there is an opportunity in the release of Nelson Mandela and hopefully in the ensuing negotiations. We recognize that we in this state, in this Body and in this country are witnessing today all across Europe and now in South Africa a fundamental turnaround in how government should participate for those who are governed. It is my hope, Mr. President, that we are on course and clearly understand that the minutiae of philosophical differences on one level at this time are less appropriate than before, because, indeed, today a leader can be a terrorist to some, the next day a world leader to everybody. No more or no less so than George Washington was a terrorist in our revolution and many others who are now the bedrock symbols of our country in terms of fairness and equality among people.

Indeed, Nelson Mandela is a miracle, a man for all people, to have withstood imprisonment and deprivation for so long and to be dignified and clear minded and truly a hope—one significant hope—for reconciliation to that country long out of step with the standards of modern man to modern man.

My remarks, Mr. President, are hopefully that we take note, as we have taken note of the events in Europe and of the leaders there who have done similar kinds of things to fight for freedom. But also we would recognize that whatever support and clarity we can give to that kind of effort with those kinds of leaders would be appropriate and forward looking.

Finally, Mr. President, we would hope and pray sincerely and with committed hearts that the events in that section of the world be resolved peacefully, orderly and with a perspective on a fundamental love for freedom for all peoples. Having said that, Mr. President, having had that recorded, I would hope it is one small note that at least this Senate Body has made in recognition of that development together with other developments that are accelerating at a great pace.

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

LEGISLATIVE LEAVE CANCELLED

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

LEAVES OF ABSENCE

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

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Lewis, Senator Lincoln, Senator Musto, Senator Reibman, Senator Stapleton and Senator Jones.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Lewis, Senator Lincoln, Senator Musto, Senator Reibman, Senator Stapleton and Senator Jones. The Chair hears no objection. Those leaves will all be granted.

CONSIDERATION OF CALENDAR RESUMED

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

HB 331 (Pr. No. 3019) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle"; authorizing certain temporary labels or stickers on school buses; further providing for visible and audible signals on emergency vehicles and for securing loads in vehicles; providing for transporting foodstuffs; and imposing penalties.

Senator LOEPER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 331.

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

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

YEAS—47

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

NAYS—0

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

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

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED BY THE SENATE**

SB 557 (Pr. No. 1915) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Corrections, to convey a tract of land in Lower Allen Township, Cumberland County, Pennsylvania, to the Christian Life Assembly of Camp Hill Borough; and authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare, to convey a tract of land and an easement situate in the City of Pittsburgh, Allegheny County, Pennsylvania, to the Urban Redevelopment Authority of Pittsburgh.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House as amended by the Senate to Senate Bill No. 557.

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

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

YEAS—47

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

NAYS—0

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

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

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1095 (Pr. No. 1894) — The Senate proceeded to consideration of the bill, entitled:

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 a project in Blair County; further describing a highway project in McKean County; adding a project in Washington County; and increasing the debt authorization and appropriation.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1095.

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

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

YEAS—47

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

NAYS—0

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

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

THIRD CONSIDERATION CALENDAR

BILLS LAID ON THE TABLE

SB 473 (Pr. No. 497) — The Senate proceeded to consideration of the bill, entitled:

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

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

SB 474 (Pr. No. 498) — 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," providing for the establishment, the operation and the powers and duties of the Department of Mental Health and Mental Retardation; transferring certain powers and duties of the Department of Public Welfare; and making repeals.

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

BILL OVER IN ORDER

SB 647 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 684 (Pr. No. 1905) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Richard C. and T. Anne Barber a certain parcel of land situate in Cambria Township, Cambria County, Pennsylvania.

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—47

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

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.

SB 758 (Pr. No. 822) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for the compensation of a full-time district attorney.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator AFFLERBACH. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator AFFLERBACH. Mr. President, could the gentleman indicate for me specifically what the difference is between permitting reimbursement to a district attorney for providing lectures but prohibiting honorariums for the same purpose?

Senator LOEPER. My understanding, Mr. President, would be that this bill would allow a district attorney to go out and become a teacher. Actually, it would be a longer term than simply a one time that he would receive in an honorarium, and that would be the difference, or distinction.

Senator AFFLERBACH. My understanding would be correct then, Mr. President, that the intent of removing the prohibition of reimbursement for lectures is to provide the

opportunity for a structured teaching program as opposed to the single one-time lecture that would normally bring in an honorarium?

Senator LOEPER. That is correct, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—47

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

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.

HB 790 (Pr. No. 2717) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Boat and Fish Funds.

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—47

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

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 LAID ON THE TABLE

SB 854 (Pr. No. 1853) — The Senate proceeded to consideration of the bill, entitled:

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

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

BILL OVER IN ORDER

SB 1131 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1179 (Pr. No. 3062) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 10, 1951 (P. L. 1189, No. 265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for positions in the competitive class of the civil service, for examinations, for reinstatement of employees, for eligibility for promotion and appointment, for filling vacancies, for the composition of police trial boards, for removal, discharge and suspension, and for reductions in force.

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—47

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

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.

SB 1259 (Pr. No. 1557) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment, implementation and administration of a Head Start Supplemental Assistance Program.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator MELLOW. Mr. President, may we be at ease for a moment.

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

SPECIAL ORDER OF BUSINESS

GUEST OF SENATOR DAVID J. BRIGHTBILL PRESENTED TO SENATE

Senator BRIGHTBILL. Mr. President, I would like to introduce to the Members of the Senate a constituent of mine, a businessman from Berks County, Mr. Brian W. Clements, who is in the gallery.

The PRESIDENT. Would Mr. Clements please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

The PRESIDENT. The Senate will remain at ease for a moment or two.

(The Senate was at ease.)

And the question recurring,
Shall the bill pass finally?

Senator MELLOW. Mr. President, on Senate Bill No. 1259 I realize there are a number of proposals that are out there dealing with Head Start, day care and family planning and all the other things we have talked about over the last year and some months that appear to be very attractive. They are social issues. They are issues that, to a certain point, we must deal with, and they are basically issues the vast majority of the Members of this Body and Members of our brother and sister Chamber across the building, basically, also would agree to. This, Mr. President, is another one of those programs, a Head Start Supplemental Assistance Program that, by and large, would have extremely strong bipartisan support, and I see no real difference today in that particular type of bipartisan support than I would have if this bill were offered last year or in some subsequent year. Mr. President, we basically have to face reality. In the budget that was just presented to the Members of the General Assembly a week ago today the Governor tried to the best of his ability, and we in the General Assembly also have tried to the best of our ability to come up and shape a budget that basically is going to meet the needs of our people, yet is going to be able to meet those needs within the revenues that we currently are generating by our various types of taxes that people pay in Pennsylvania.

In the 1990-91 budget, Mr. President, that was just presented to us, there is a \$37,647,000 figure of state funds that will be used for various types of day care, various types of

programs such as what we are talking about right here, which is an increase over the previous year of \$900,000, or approximately 11 percent of the amount of money in the past. What we are talking about here is we think it is very important that the Members of the Senate, all forty-seven of them who are present here today, have to show the proper type of fiscal responsibility in trying to carve out a budget for 1990-91. We have to try, if we can, to the best of our ability to set aside, if at all possible, the political differences that drive us, and the fact that by going ahead and offering a piece of legislation such as has been offered here, which appears to be a very popular piece of legislation but yet a very expensive piece of legislation, if we do not have the money to pay for it now, perhaps, Mr. President, we should not be considering such a piece of legislation. That is exactly where we find ourselves today. We find ourselves today with a bill which, as I said, is a Head Start Supplemental Assistance Program. It is basically a new program which is something that each and every one of us wants and each and every one of us thinks is very vital and very important to the future social needs and the future family needs of the people of Pennsylvania. But we also find, Mr. President, that the fiscal impact in the budget of 1990-91 is \$5.8 million. Money that has not been addressed, money and a program that was not addressed and money and a program that we basically cannot fund in the 1990-91 budget. When you follow the program through 1991-92, then follow it through to the fiscal year 1994-95, this program as implemented under this proposal will cost the Pennsylvania taxpayers \$29,362,000. Mr. President, we have to ask the question once again—and, obviously, we did not coin the phrase, but—where's the beef?

Mr. President, the Majority Party in the Senate should be prepared to tell us, as they consider this type of legislation and this type of legislation in the future as we get closer and closer to formulating the budget for the next fiscal year, what programs do they want to cut, or what taxes do they want to increase? To go ahead and put into this budget that we are going to consider for fiscal year 1990-91 the additional \$5.8 million that is going to be needed to fund this program that each and every one of us in this Chamber will tell you is a good quality program that deserves our consideration, but because of the fiscal constraints that we have on the budget that has been presented to us, because of the fact, Mr. President, that individuals in this Body do not want to go ahead and raise taxes, they have to tell us where the money is going to come from so we can go ahead and implement this program. Unless we can be shown without a question of doubt that this money is available, I would have to ask for a negative vote on Senate Bill No. 1259.

Senator RHOADES. Mr. President, first let me start by clarifying some misconceptions. Number one, Head Start has not been around for twenty-five years. Basically, it has been a federal program. Unfortunately, in Pennsylvania, of the 70,000 children who are eligible for it, we are only serving 20,000 at the present time. Day care is not Head Start. Head Start focuses on four activities. One is education in which

children are exposed to a variety of learning experiences to foster their intellectual, social and emotional growth; their health in which medical, dental and nutritional and mental health needs are addressed; parental involvement, which shows parents how to assist in their children's educational development at home; and, fourth, social services, which consists of community outreach referrals, family needs assessment, information on community resources and crisis intervention.

Now you are going to say, what does all that do? For the dollar that is invested today, the yield in the long-term—not by my statistics, not by my research, but by those out in the field across the nation—is a four to seven dollar return on that one dollar invested so that we do not have to deal with unemployment, teen pregnancies and the judicial system. As a matter of fact, it turns itself over.

If I can just read to you a few lines from the recently released Governor's budget request for fiscal year 1990-91: state correctional institutions, \$369 million; adult literacy, \$7 million; special education—and you know, to think about it, we are talking about early intervention and our new special education regulations. Head Start addresses this situation and has referred more children into mental health/mental retardation programs because of the success of their program. We spent \$380 million in that program: medical assistance, Medicaid, \$1.228 billion; income maintenance, AFDCGA, \$867 million; youth development institutions, \$41.5 million. That continues to grow. Now we have an opportunity with \$5.8 million to be able to say, let us turn that program around. We will only pick up approximately 2,000 kids this year. Hopefully, we will have about 10,000 in the program within a five-year period. We talk about special education regulations and early intervention and institutional support teams. If you address and take care of the kids' needs early, you are not going to have to treat them later on. If you check the budget out, and you are looking for \$5.8 million, there is \$5 million for the instructional support teams, which are only going to be put out to a hundred school districts. What are the other 401 going to do?

The other thing, too, if memory serves me right, about three weeks ago, we passed \$19.6 million in family planning, WIC and day care, and I think it passed overwhelmingly in the Senate. I guess I would say wherever you were going to get that money from, I think you can find it for the Head Start Program. It has to be there. Head Start is a good program. It is a needed program. By turning it around, we can turn some kids' lives around and have some positive results, not only for the children, but also for their families. I think the \$5.8 million is an excellent investment.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Madigan and Senator Pecora have been called from the floor and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Madigan and Senator Pecora. The Chair hears no objection. The leaves will be granted.

And the question recurring,
Shall the bill pass finally?

Senator MELLOW. Mr. President, I would just like to make one final point. First of all, yes, this Body did pass three bills several weeks ago for the WIC program, family planning and day care, and the day care portion of that was an additional \$9 million. So there has been a substantial amount of money, Mr. President, that has been made available. Also, I would like to point out that the programs, whether it be day care or Head Start, all have to deal with the needs of children. We think they are all extremely important programs that certainly do deserve our consideration. Mr. President, I think, once again, we have to ask the question and the question was not answered. I basically agree with the things that were stated by the gentleman from Schuylkill, Senator Rhoades. I do not think there is anyone in here who would disagree that we cannot do enough for people who need the Head Start Programs. We cannot do enough for people who need day care programs, et cetera. I think the gentleman has to tell us, or at least someone on the other side of the aisle has to tell us what programs they want cut or what taxes they want to raise, because within the limits of the budget that has been presented to us just last Tuesday, there is no \$5.8 million available to go ahead and implement this program. I think the last thing we would want to be accused of, by people who think this particular type of program would be initiated and would be started, is being intellectually dishonest with people, of giving them false hope, by saying, yes, we have passed the bill to provide for Head Start supplemental programs and Head Start supplemental assistance grants when, basically, we know full well in this Body that is a political statement and that realistically, Mr. President, that is not going to happen right now unless the Majority Party in this Senate is prepared to tell us—and once again I am being redundant and repeating myself—what programs do they want us to cut or what taxes do they want to increase. I asked the same question, and it, in fact, was not answered.

Senator RHOADES. Mr. President, I will repeat myself. If you look under the educational budget, there is a section entitled, "Institutional Support Teams," \$5 million. If you would care to take that out and insert the Head Start Program in there, it is there. I think you will find your money.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, Senator Dawida and Senator Regoli have been called to their offices. I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Dawida and Senator Regoli. The Chair hears no objection. Those temporary Capitol leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

YEAS—28

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

NAYS—19

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

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

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

**BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE**

SB 1300 (Pr. No. 1621) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the selection of justices and judges of the Supreme, Superior and Commonwealth Courts from established judicial districts.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator CORMAN. Mr. President, I rise to urge all of my colleagues to join me in support of the passage of Senate Bill No. 1300. This is legislation that creates voting districts for Superior, Supreme and Commonwealth Courts. Most voting Pennsylvania citizens, Mr. President, complain that the present system of electing competent people to these very important positions just is not working. The state is too large, the campaigns are too expensive. The job is just too big to truly inform the voters what the candidates stand for, what his or her past records reveal about the candidates and what kind of a judge these people will become. Therefore, voters in much of Pennsylvania are forced to make judgments on other than qualifications of the candidates if they want to cast their vote.

In much of Pennsylvania, outside the Philadelphia area, that first judgment is easy. Is the candidate from Philadelphia? If the candidate is from Philadelphia, we just do not vote for that candidate. The voter then examines the remaining candidates to make a judgment, and that judgment sometimes is made on the ethnic connotation of the name, maybe the sex of the candidate, possibly position on a ballot, maybe the party endorsement in the newspaper. Sometimes they ask a friend or sometimes I think they just close their eyes and punch. Others just plainly do not vote in this particular race. Surely, Mr. President, the importance of the appellate courts demands that we seek a better way of electing the members to it. Common Cause and some other organizations blame the

voters, not the system, and they say the solution is to take away from the voters the right to vote. They say let a certain select few provide a list of candidates to be politically screened, politically nominated and politically confirmed. The people of Pennsylvania just do not do a good job of electing their judges and justices, so let us take that right away from them. To all of this, Mr. President, I say, hogwash. We can keep the people of Pennsylvania in the process if we want them there. We can create judicial districts, lessen the load on the candidates and give them a smaller arena in which to campaign. Let the people have an opportunity to get to know these candidates by restricting the geography. It can be done.

Mr. President, many young people died in Tiananmen Square demonstrating for democracy and seeking their right to vote. In Europe, behind the Iron Curtain, people are involved in a revolution because they have been denied their freedom and their right to vote. Here in Pennsylvania we are eroding that freedom. We are giving away their right to vote when we go to political selection. Mr. President, we can elect our judges and justices of the appellate courts. We only need to adjust the system, not disenfranchise the people of Pennsylvania.

Mr. President, Senate Bill No. 1300 will give the people of Pennsylvania an opportunity to adjust the system and retain their right to vote. I say let us give all of our constituents an opportunity to stay in the system and vote "yes" on Senate Bill No. 1300.

Senator FISHER. Mr. President, I rise in opposition to Senate Bill No. 1300, and I do so while at the same time agreeing with many of the points that have been raised by the gentleman from Centre, my friend Senator Corman. However, I do not think the solution that is included in Senate Bill No. 1300 is a way to try to resolve the problem. For those who believe the electorate votes blindly and without enough information on the appellate court judges, which includes myself, I submit that the action that was previously taken by the Senate, in a bill that now rests in the House of Representatives, calling for the merit selection of appellate court judges is a far preferable way to approach the problem of our appellate judiciary in this Commonwealth. The solution which is proposed in Senate Bill No. 1300 I think only exacerbates the problem and makes it worse. Certainly there are those who feel that perhaps there are too many judges from one particular region of the state or two particular regions of the state. Yes, there are a lot of judges from the county from which I hail. But, in fact, that problem is not going to be resolved by the division of our appellate court system into five regional judicial districts, but, rather, what you are going to have is five regional judicial districts where you are going to have judges selected from those districts who, once again, most likely come from the largest county, the largest area in those districts. There will continue to be an imbalance. There will continue to be a lack of representation from the small counties across the Commonwealth. There will continue to be the many complaints that the people have raised about not knowing what the judges stand for when they go to vote for

them. Unfortunately, the proposal in Senate Bill No. 1300 really makes that and the other problems even worse for another reason. It makes it worse because I believe, as do many others and as did the framers of our Constitution, the people who approved the Constitution under which we are governed, the appellate court system in this Commonwealth should be composed of judges of statewide jurisdiction, statewide jurisdiction judges who were either elected across the state, as they presently are, or who would be appointed from the broad base of a selection process that would be established under the proposed constitutional amendment. This is a statewide judiciary in the Supreme Court, the Superior Court and the Commonwealth Court. I think to regionalize it will only mean that the judges who are elected from that district are very likely to just be thinking about the issues as they apply to their districts, and not so much as they apply statewide. That would be a mistake. We presently have sixty-seven judicial districts which are composed of Common Pleas Court judges from those sixty-seven counties. That regionalization is enough. I believe we should keep our appellate courts as courts of statewide jurisdiction. I believe we should defeat Senate Bill No. 1300 as we have in the past. I believe if we really want to make a change with the appellate court judiciary in this state we should adopt the merit selection proposal that this Senate has previously passed. Get that bill adopted in two consecutive Sessions. Give the people of this Commonwealth the opportunity to vote on that issue, not on the issue before us this afternoon.

Senator ANDREZESKI. Mr. President, some of the previous speakers have talked about how hard it is for somebody who would want to run for one of these judicial positions to go around the state and be elected. It is obvious for in some instances in doing that people have really made the wrong decisions. Using that as a premise, perhaps we even should not have had Governor Thornburgh here, because the people, perhaps, had made a wrong choice on that. Carrying it further, we should regionalize it and there should be three of you up there, Mr. President, each from one separate region of the state. But the fact of the matter is, we have a Judicial Branch of government that complements a Legislative Branch and an Executive Branch of government, and we have for quite a long time determined that they run for office. I have given this a lot of thought and I have looked at the situation over a lot of years, and at one point I would stand and agree, well, maybe we should regionalize the judicial system and let them run from a specific area. At one point in my legislative career I had a lot of support for that, but when you look at how we have set up the judicial system, we have set it up so that our statewide judicial system represents all the people of the state, not a region of the state. I have some great fears that people running out of districts for judicial campaigns would be saying, I will do this for you and not do something else for someone else in another district. People who are supposed to be judicious and have an overview of all the people of the State of Pennsylvania probably should not be doing that, but the political reality is, if you want to get elected out of that

district, you would seem to want to say things the people in that district would want to hear, or you would want to say things against another district that they would want to hear. I think we are making a grave mistake in saying, perhaps we should divide this state.

Do the voters know better or should they know better or are we getting good or bad judges? If you like the decisions they make, they are obviously good judges, and if you do not like the decisions they make, then they are obviously not of that high a quality in your mind. One of the previous speakers spoke up and made reference to the fact that people with ethnic names seem to be on the ballot and that might be some precondition to being elected. I would like to assure this Body that the Greek vote in Pennsylvania is very small and Supreme Court Justice Papadakos—I hope I said his name right—was not elected by the Greek vote coming out and providing him with 20 or 30 percent of the vote. The same might even be said for Chief Justice Zappala. To compliment these two individuals, I think it is great that the sons and grandsons of immigrants who came to Pennsylvania are now sitting on the highest court in Pennsylvania, and I hope we see more of that happening.

What I would like to conclude with, Mr. President, is that we have a judicial system that is supposed to include and/or make decisions for all the people. I think we are doing an injustice to the Constitution of Pennsylvania and the way in which we want these laws interpreted by letting people come in and say, well, now we are going to do it by region. I think in coming up with this position, it is just as grave an injustice as to say we should have merit selection. I would point out that we have tampered with this process in fine-tuning this process. Your Common Pleas judges just run for retention every ten years. They do not even have to run on a record that they might or they might not have established on the bench. If we keep fooling around with this system, and we keep making it more distant or we keep making it more unresponsive, we are doing a grave disservice to the people. I think if we are concerned as Legislators, then we should be saying to those whom we represent, the voters, you people keep an eye out for who you are electing. You have to watch what you are doing because the decisions they make are going to affect you and are going to set social policy, just as a decision by a federal judge appointed for life by the President is going to affect the bill we just passed 45-5 in the State Senate and signed by the Governor the same day. That was the insurance reform bill. I hope the Members of this Body who did support this regionalization will have some reawakening of their opinions and understand the fact that the judiciary was established to represent all the people of Pennsylvania. Putting them in districts, in my opinion, will simply pit one area against another or give somebody a campaign theme or a populist theme to be elected from one area versus another. I think we can do better for our constituents to say that we should be looking at the judges who are running. We should be questioning them as to where their motives are, what their qualifications are and not try to create around them a false picture that might view them in a

better light or might let their message be heard only to a select few. I remind my colleagues that the Auditor General runs statewide, the State Treasurer runs statewide and, lo and behold, even the Governor and Lieutenant Governor run statewide.

All in all, I do not think we have done that bad by all of them. I would hope we are able to come to some accord to say, just because you are a lawyer or just because you are a judge does not mean we are going to change the Constitution to meet your habits of campaigning or restrict the area of your district. I would hope other colleagues of mine would vote with me in opposing this measure.

Senator SHAFFER. Mr. President, I rise in support of my colleague from Centre County, Senator Corman. I think we all agree we have a problem with the statewide judiciary and Senator Corman is making, I think, a very good attempt and a very logical attempt to remedy that problem. However, I do want to touch just for a couple of seconds on an aspect of the statewide judicial problem which has not received much comment here today and that surrounds the so-called gag order issued by Supreme Court Justice Nix preventing candidates for statewide judicial office, including those judges who are sitting and running for retention, of discussing the issues of interest by the citizens and the voters. It is no wonder, Mr. President, that we have a citizenry who shows a lack of interest in who their candidates are for statewide judges when we have a system which absolutely dictates that they are not allowed to talk about the issues. It seems to me, with the judiciary as powerful as it is today and assuming the active role the judiciary has had in the last twenty to thirty years, what we need in this process is more sunshine. We need more discussion as to where the various candidates for statewide judicial offices stand on the abortion issue, the capital punishment issue, a whole host of issues, not just criminal, but civil. We need to know more about what the candidates for office think, and we need to allow the fourth estate, the press, to be more involved and to do more reporting on these candidates and their views. That, Mr. President, is what we should be working for, which is a Supreme Court justice who believes in the democratic process and believes it also applies to members of the judiciary, not just those of us who are politicians. I urge an affirmative vote.

Senator BELL. Mr. President, I do not often differ with the gentleman from Butler, but he said that Chief Justice Nix issued a gag order. That was not his order. Those are the canons of judicial ethics that says a judge or a candidate for the office of judge shall not discuss the extremely controversial issues, and, for God's sake, do not get them into fighting the abortion issue.

The second point, the gentleman from Centre County raised a question of competence of judges, Superior Court, Supreme Court, Commonwealth Court. I think there is an old saying that a judge is competent if he agrees with you. He is incompetent if he decides against you. So, let us look at that.

The gentleman from Erie hit the raw nerve in here. The third point here is, you have fifty Senators in this room, and I

think each one of them, if he would be honest about it, would say he represents his district first. Let us suppose we have seven Supreme Court justices and up comes a matter that is of tremendous importance. The justice says the hell with Pennsylvania, I am going to vote for my district because they are the people who will vote on my retention election. God save the Commonwealth if that happens.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I need temporary Capitol leaves for Senator Ross, Senator Scanlon and Senator Stout.

Senator LOEPER. Mr. President, I would also ask for temporary Capitol leaves on behalf of Senator Greenwood and Senator Fisher.

The PRESIDENT. Senator Mellow asks temporary Capitol leaves for Senator Ross, Senator Scanlon and Senator Stout. Senator Loeper requests temporary Capitol leaves for Senator Fisher and Senator Greenwood. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Shall the bill pass finally?

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

YEAS—18

Armstrong	Hess	O'Pake	Shaffer
Baker	Holl	Peterson	Stapleton
Brightbill	Hopper	Punt	Wenger
Corman	Madigan	Rhoades	Wilt
Greenwood	Musto		

NAYS—29

Afflerbach	Greenleaf	Lynch	Salvatore
Andrezeski	Jones	Mellow	Scanlon
Belan	Jubelirer	Pecora	Shumaker
Bell	Lemmond	Regoli	Stewart
Bodack	Lewis	Reibman	Stout
Dawida	Lincoln	Rocks	Tilghman
Fattah	Loeper	Ross	Williams
Fisher			

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

BILL OVER IN ORDER

HB 1572 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREFERRED

SB 333 (Pr. No. 1880) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for item pricing of certain grocery items; providing for powers and duties of the Attorney General and the Department of Agriculture; and providing penalties.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER. Mr. President, I move that Senate Bill No. 333 be rereferred to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator MELLOW. Mr. President, can the gentleman indicate to us what is going to happen to this proposal? This is a bill that the gentleman from Philadelphia, Senator Lynch, is extremely interested in, that it be brought back to the floor of the Senate. Can he give us any indication as to what the Majority has in mind for Senate Bill No. 333?

Senator LOEPER. Mr. President, I could only indicate to the gentleman it is our view, because of certain duties assigned to the Department of Agriculture, that the bill does have a fiscal impact. I would not be able to determine what the schedule of the gentleman from Montgomery, Senator Tilghman, might be for further consideration of the bill.

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

I would just like the record to show that Senator Lynch is very much interested in this proposal, and we would appreciate it if the Committee on Appropriations could meet on it and rereport the bill back to the floor of the Senate.

Senator ANDREZESKI. Mr. President, I would just like to point out on Senate Bill No. 333 that we do not—the Democrats being in the Minority—have the votes to oppose this from going to the Committee on Appropriations. I would like to point out just for the record this is the item pricing bill. We have had this bill here before. We all know what it does. This bill has passed the Senate in previous Sessions, and this is a bill which affects a lot of people. If you go into a lot of stores and look at these prices that are supposed to be on the shelf, you find out just how frustrating it is. All this bill does is asks—

POINT OF ORDER

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

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I believe the gentleman is debating the merits of the bill. The only thing that would be in order would be the motion to rerefer.

The PRESIDENT. The Chair finds the gentleman's point to be well taken. The motion is limited in debate to the priority of reference to the committee.

Senator ANDREZESKI. I will conclude by saying, Mr. President, that this, again, is the item pricing bill that has passed the Senate, and we all know what this issue is.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. Senate Bill No. 333 will be rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 382 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 408 (Pr. No. 1910) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," providing for endorsement of agents' worthiness by sponsoring companies; and providing for disclosure by the Insurance Commissioner of certain information relating to agents.

Considered the second time and agreed to,

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

SB 561 (Pr. No. 599) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring residential mortgage lenders to give mortgage debtors credit for discounts received for early payment of certain taxes; and imposing a penalty.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 612 and **SB 634** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 649 (Pr. No. 1769) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a Statewide hazardous material safety program; creating the Hazardous Material Response Fund; providing for the creation of Hazardous Materials Emergency Response Account in each county; further providing for the powers and duties of the Pennsylvania Emergency Management Agency, of the Pennsylvania Emergency Council, and of the counties and local governments; imposing obligations on certain handlers of hazardous materials; imposing penalties; and making an appropriation.

Considered the second time and agreed to,

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

SB 1059 (Pr. No. 1250) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for the standardization of health care insurance claim forms.

Considered the second time and agreed to,

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

BILL LAID ON THE TABLE

HB 1126 (Pr. No. 1286) — The Senate proceeded to consideration of the bill, entitled:

An Act encouraging caretaker organizations to assume responsibility for restoration and maintenance of historic burial places by limiting liability in connection therewith.

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

LEGISLATIVE LEAVE CANCELLED

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

SECOND CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 1141 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1213 (Pr. No. 1497) — The Senate proceeded to consideration of the bill, entitled:

An Act regulating credit services; prohibiting certain activities; and providing for certain information to be given to buyers, for the contents of contracts and for enforcement.

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

BILL OVER IN ORDER

SB 1319 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1415 (Pr. No. 1911) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," adding a definition of "associated person"; and further providing for registration requirements and procedure, for suspension and revocation of registration, for civil liability, for criminal penalties and for fees.

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

BILLS OVER IN ORDER

HB 1561 and 1781 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE RESOLUTION NO. 122, CALLED UP

Senator LOEPER, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 122**, entitled:

A Resolution urging the Governor to establish an economic partnership and a trade mission with Poland, in particular, and Eastern Europe, in general, in light of the changing political and economic conditions in the Soviet bloc.

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 122, REREFERRED

Senator LOEPER. Mr. President, I move that Senate Resolution No. 122 be rereferred to the Committee on Appropriations.

The motion was agreed to and the resolution was rereferred to the Committee on Appropriations.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY

November 7, 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, Thomas M. Nardo, D.M.D., 1504 Woodledge Circle, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1992, and until his successor is appointed and qualified, vice William A. Schreyer, Princeton, New Jersey, whose term expired.

ROBERT P. CASEY.

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Rhoades has been called from the floor to his office and I would request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Rhoades. The Chair hears no objection. The leave will be granted.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Belan and Senator O'Pake.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Belan and Senator O'Pake. The Chair hears no objection. Those leaves will be granted.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—23

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

NAYS—24

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

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

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION

NOMINATION LAID ON THE TABLE

Senator MELLOW. Mr. President, I move that the vote by which the nomination of Thomas M. Nardozzo, as a member of the Board of Trustees of The Pennsylvania State University, was just defeated be reconsidered and the nomination be laid on the table.

The PRESIDENT. It has been moved by Senator Mellow that the vote by which the nominee, Thomas M. Nardozzo, was defeated be reconsidered and the nomination be laid on the table.

The motion was agreed to.

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

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

December 8, 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, Michael L. Murphy, 226 Cornell Road, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE PUBLIC EMPLOYEE RETIREMENT STUDY COMMISSION

January 9, 1990.

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, Paul D. Halliwell, 60 Country Club Drive, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Public Employee Retirement Study Commission, to serve until October 27, 1995 and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE REAL ESTATE COMMISSION

January 8, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John D. Neel, 382 Old Clairton Road, Pittsburgh 15236, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for five years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice P. Donald White, Oreland, whose term expired.

ROBERT P. CASEY.

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

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

YEAS—47

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS

BILL IN PLACE

Senator ANDREZESKI presented to the Chair a bill.

SB 309 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 309, Printer's No. 559, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill 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 Mt. Lebanon High School Boys Golf Team and to the Mt. Lebanon High School Boys Soccer Team by Senator Fisher.

Congratulations of the Senate were extended to David Rau by Senator Greenwood.

Congratulations of the Senate were extended to Robert B. Nearing, Donovan Derr and to Jack M. Ruckle by Senator Helfrick.

Congratulations of the Senate were extended to Hattie Ott by Senator Holl.

Congratulations of the Senate were extended to William R. England by Senator Jubelirer.

Congratulations of the Senate were extended to Helen Marsh by Senators Jubelirer and Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Eller by Senator Lincoln.

Congratulations of the Senate were extended to Tommy Hinnershitz, Berks County Medical Society of Reading, Saint Margaret School of Reading, residents of the Borough of Birdsboro, Calvary Reformed Church, United Church of Christ of Reading and to the Twin Valley Cross Country Team of Elverson by Senator O'Pake.

Congratulations of the Senate were extended to Rose Furrer and to Bruce E. Stanko by Senator Regoli.

Congratulations of the Senate were extended to Ronald Y. Johnson by Senator Rhoades.

Congratulations of the Senate were extended to James Schmitt, Jr. by Senator Salvatore.

Congratulations of the Senate were extended to Gertrude Nossokoff by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Clawson by Senator Stapleton.

Congratulations of the Senate were extended to Thomas McTavish by Senator Stewart.

BILLS ON FIRST CONSIDERATION

Senator SCANLON. 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 802, 888, 1116, 1377 and HB 24.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator ANDREZESKI. Mr. President, today I read in place and offered an act which would amend Title 66 of the Public Utilities Code. This act was brought about by an action that happened in June of 1988 where the Public Utility Commission had, in a rather innocuous regulation adopted, allowed for automatic gas meter reading devices to be installed on the meters of customers. What this amounts to, Mr. President, is that the gas company designates an area as an automatic meter device area and sends private contractors to put a small computerized meter-reading device on top of your gas meter, and once a month, usually programmed between the hours of midnight and 6:00 a.m., it sends out a signal for a couple of seconds on what your meter reading is. I, personally, do not have an objection to that being put on my gas meter. In fact, it would be a welcome addition to me because I have had the gas company at my house at 11:00 o'clock at night trying to pull out my gas meter only to find out the next day that, "Oh, we are sorry, Senator, that was a mistake." But I think it would help for some people who are harassed by the gas company to have an automatic meter-reading device put on their meter. More importantly, my non-objection to it I do not think is a situation that should be addressed. I think the situation that should be addressed is that we are telling people they have to give up a phone line that they use for an additional item, that additional item being the automatic meter-reading device.

I have had many constituents come up to me in my district, because they are being installed right now, saying, suppose I do not want it? I view this as an intrusion of my right. They are not offering me any rate reduction for using my phone line, yet, they are saving money by not having a meter reader. Others have said, what if this affects my phone line and something goes wrong with my phone line? Do I pay for the phone line to be checked out? Do they pay for it? Whose fault is it? No one seems to know. Other people have questioned the use of this when they have multiple uses for their phone lines, such as a fax machine or a computer modem added on. Would this interfere in any way with this? Others simply say, they should not have the right to come into my house and attach something to my phone line. We have very strict laws and guidelines for tapping people's phones, and you cannot put a phone tap to listen into a conversation without a very direct court order, but this seems to say you can electronically tap a meter and put it on a phone line with no order or the individual saying I can or cannot do it.

I think we owe the homeowners a little better answer than to just let the PUC say, well, we are going to regulate this to happen. My act, which will receive a bill number, will amend Title 66 to say—it is very short and to the point—"A residential homeowner has the right to reject the use of an automatic gas meter-reading device without penalty or additional cost imposed by the utility for doing so. A public utility shall give timely notice of this right to any homeowner upon whose premises it is proposed to use an automated meter-reading device." What seems to be so easy and clear for us as we sit

here in the halls of the state Capitol, in the regulatory bureaus of the state Capitol, often does not translate that way back home. I think this bill I am proposing is a good bill and will allow the consumers who are paying the bills, who are electing us, who are making a lot of decisions that allow us to run state government, to at least have the option to say whether they want an automatic meter-reading device attached to their phone lines. I would point out, what is next? Do we put the electric meter on the phone line? Do we put a double check on cable TV on the phone line? Do we do all of this via regulation here in Harrisburg and let people have no say? In my opinion, this is a good way to counteract this and tell people, yes, you do have rights. If you do not want this, you do not have to take it.

HOUSE MESSAGE

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:

February 13, 1990

HB 560 — Committee on Transportation.

HB 2070 — Committee on Urban Affairs and Housing.

BILLS INTRODUCED AND REFERRED

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

February 13, 1990

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, BRIGHTBILL, WILT and GREENWOOD presented to the Chair **SB 1451**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," providing for the periodic certification and review of tax-exempt properties.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, BRIGHTBILL, WILT, GREENWOOD and ROCKS presented to the Chair **SB 1452**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," providing for the periodic certification and review of tax-exempt properties.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, BRIGHTBILL, WILT, HESS and GREENWOOD presented to the Chair **SB 1453**, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," including third class counties within the scope of the act; further providing for assessment procedures; further providing for appeals of assessments; further providing for the powers and duties of county commissioners and of the governing body of home rule charter counties; making editorial changes; and making repeals.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, BRIGHTBILL, WILT, HESS and GREENWOOD presented to the Chair **SB 1454**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," limiting the act to counties of the first, second and second A classes; further providing for the powers of the county commissioners relating to assessments; expanding the powers of assessment boards in counties of the first, second and second A classes; providing for optional assessment revision and appeals procedures; and making repeals.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, BRIGHTBILL, WILT, HESS and GREENWOOD presented to the Chair **SB 1455**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further defining "common level ratio"; further providing for board determinations in assessment appeals; providing for assessment errors and refunds; and further providing for court determinations in assessment appeals.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senators JUBELIRER, HOPPER, SHUMAKER, MADIGAN, CORMAN, AFFLERBACH, PORTERFIELD, SHAFFER, BRIGHTBILL, WILT, HESS and GREENWOOD presented to the Chair **SB 1456**, entitled:

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), entitled, as amended, "State Tax Equalization Board Law," further providing for powers and duties of the State Tax Equalization Board; expanding use of the common level ratio to third class city assessments; imposing further duties on recorders of deeds; providing for the application of revised assessment rates; and making editorial changes.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senator SALVATORE presented to the Chair **SB 1457**, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," excluding certain health care facilities from the requirements of the act.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 13, 1990.

Senators MADIGAN and REGOLI presented to the Chair **SB 1458**, entitled:

An Act amending the act of January 17, 1968 (P. L. 11, No. 5), entitled "The Minimum Wage Act of 1968," providing for certain exceptions from the minimum wage provisions.

Which was committed to the Committee on LABOR AND INDUSTRY, February 13, 1990.

Senators LEMMOND, PECORA, BRIGHTBILL, HOPPER, O'PAKE, FISHER, HOLL, REIBMAN, SALVATORE, AFFLERBACH, RHOADES and ARMSTRONG presented to the Chair **SB 1459**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for aid to school districts due to extreme increases in student enrollment.

Which was committed to the Committee on EDUCATION, February 13, 1990.

Senators DAWIDA, BODACK, REGOLI and SCANLON presented to the Chair **SB 1460**, entitled:

An Act amending the act of April 8, 1982 (P. L. 303, No. 85), entitled "Second Class County Prothonotary Fee Act," increasing certain fees.

Which was committed to the Committee on LOCAL GOVERNMENT, February 13, 1990.

Senators SCANLON, REGOLI, DAWIDA and BODACK presented to the Chair **SB 1461**, entitled:

An Act amending the act of July 1, 1981 (P. L. 193, No. 58), entitled "An act establishing certain fees to be charged by clerks of the orphans' courts of counties of the fifth, sixth, seventh and eighth class and providing for fees in counties of the second, second A, third and fourth class," further providing for fees in counties of the second class.

Which was committed to the Committee on LOCAL GOVERNMENT, February 13, 1990.

Senators BODACK, SCANLON, REGOLI and DAWIDA presented to the Chair **SB 1462**, entitled:

An Act amending the act of July 1, 1981 (P. L. 191, No. 57), entitled "An act establishing certain fees to be charged by registers of wills in counties of the fifth, sixth, seventh and eighth class and providing for fees in counties of the second, second A, third and fourth class," further providing for fees in counties of the second class.

Which was committed to the Committee on LOCAL GOVERNMENT, February 13, 1990.

Senators REGOLI, DAWIDA, BODACK and SCANLON presented to the Chair **SB 1463**, entitled:

An Act amending the act of July 6, 1984 (P. L. 614, No. 127), entitled "Sheriff Fee Act," further providing for fees, compensation and mileage.

Which was committed to the Committee on LOCAL GOVERNMENT, February 13, 1990.

Senators BELAN, REGOLI, DAWIDA, BODACK, FISHER and SCANLON presented to the Chair **SB 1464**, entitled:

An Act providing for Commonwealth support for a Pennsylvania Children and Youth Caseworker Loan Forgiveness

Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees to careers as children and youth caseworkers in this Commonwealth.

Which was committed to the Committee on EDUCATION, February 13, 1990.

Senators SCANLON, DAWIDA, BODACK and BELAN presented to the Chair **SB 1465**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for vacation of tax ordinances and resolutions.

Which was committed to the Committee on LOCAL GOVERNMENT, February 13, 1990.

Senator BELL presented to the Chair **SB 1466**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding from the sales and use tax the sale or transfer of ownership rights of any animal by nonprofit kennels.

Which was committed to the Committee on FINANCE, February 13, 1990.

Senator REGOLI presented to the Chair **SB 1467**, entitled:

An Act amending the act of July 14, 1961 (P. L. 604, No. 304), entitled "The Apprenticeship and Training Act," further providing for compensation of council members.

Which was committed to the Committee on LABOR AND INDUSTRY, February 13, 1990.

Senators RHOADES, SHUMAKER, BELL, SHAFFER, SALVATORE, AFFLERBACH, PORTERFIELD and BELAN presented to the Chair **SB 1468**, entitled:

An Act regulating lobbying; providing for further duties of the State Ethics Commission; requiring the registration of lobbyists and the submission of certain reports; providing penalties; and making repeals.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 13, 1990.

Senators RHOADES, SHUMAKER, SALVATORE, MUSTO, PORTERFIELD and SHAFFER presented to the Chair **SB 1469**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," limiting certain campaign contributions; further regulating political committees and "Political Action Committees"; and further providing for expenditures and reports.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 13, 1990.

Senators BELL, GREENLEAF, AFFLERBACH, SHUMAKER, RHOADES and REIBMAN presented to the Chair **SB 1470**, entitled:

An Act prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

Which was committed to the Committee on JUDICIARY, February 13, 1990.

Senators PUNT, SALVATORE, PECORA and BRIGHTBILL presented to the Chair **SB 1471**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, eliminating the Court Reporting Network evaluation prior to sentencing or receiving Accelerated Rehabilitative Disposition or other disposition.

Which was committed to the Committee on JUDICIARY, February 13, 1990.

Senators BELL, FUMO, SALVATORE, LOEPER, LYNCH, LEWIS and WILLIAMS presented to the Chair SB 1472, entitled:

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes';....." further regulating the rates of pilotage; and specifying fees for certain services.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 13, 1990.

Senators FUMO, LEWIS and SCANLON presented to the Chair SB 1473, entitled:

An Act prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

Which was committed to the Committee on JUDICIARY, February 13, 1990.

Senators SHAFFER, SALVATORE, PECORA, PORTERFIELD, REIBMAN, HELFRICK, AFFLERBACH, PUNT and HOLL presented to the Chair SB 1474, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," further providing for the application of the act to persons employed by an owner of real estate for the purpose of managing or maintaining multifamily residential property.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 13, 1990.

Senators BRIGHTBILL, RHOADES, HELFRICK, ANDREZESKI, LOEPER, STEWART and MADIGAN presented to the Chair SB 1475, entitled:

An Act providing for a Statewide residential building code.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 13, 1990.

BILL SIGNED

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

SB 1095.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, FEBRUARY 16, 1990

9:30 A.M.	JUDICIARY (Public Hearing to hear testimony from individuals and groups regarding the October 1989 riots at the Camp Hill State Correctional Institution)	Room 8E-B Hearing Room East Wing
-----------	---	--

WEDNESDAY, FEBRUARY 21, 1990

9:30 A.M.	JUDICIARY (Public Hearing to hear testimony from individuals and groups regarding the October 1989 riots at the Camp Hill State Correctional Institution)	Room 8E-A Hearing Room East Wing
-----------	---	--

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing - Senate Bill No. 1304)	Room 8E-B Hearing Room East Wing
-----------	--	--

MONDAY, FEBRUARY 26, 1990

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Temple University)	Senate Majority Caucus Rm 156
-----------	---	----------------------------------

10:30 A.M.	APPROPRIATIONS (Budget Hearing - University of Pittsburgh)	Senate Majority Caucus Rm 156
------------	--	----------------------------------

11:30 A.M.	APPROPRIATIONS (Budget Hearing - Lincoln University)	Senate Majority Caucus Rm 156
------------	--	----------------------------------

1:30 P.M.	APPROPRIATIONS (Budget Hearing - Pennsylvania State University)	Senate Majority Caucus Rm 156
-----------	---	----------------------------------

2:30 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Senate Majority Caucus Rm 156
-----------	--	----------------------------------

TUESDAY, FEBRUARY 27, 1990

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Senate Majority Caucus Rm 156
-----------	---	----------------------------------

10:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Senate Majority Caucus Rm 156
------------	---	----------------------------------

WEDNESDAY, FEBRUARY 28, 1990

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Corrections)	Senate Majority Caucus Rm 156
-----------	---	----------------------------------

11:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Military Affairs)	Senate Majority Caucus Rm 156
------------	--	----------------------------------

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Commerce) Caucus Rm 156

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Judiciary) Caucus Rm 156

3:15 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Health Care Cost Containment Council) Caucus Rm 156

THURSDAY, MARCH 1, 1990

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Attorney General) Caucus Rm 156

10:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Pennsylvania State Police) Caucus Rm 156

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Historical and Museum Commission) Caucus Rm 156

2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Community Affairs) Caucus Rm 156

MONDAY, MARCH 5, 1990

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Transportation) Caucus Rm 156

11:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Labor and Industry) Caucus Rm 156

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Aging) Caucus Rm 156

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Governor's Office) Caucus Rm 156

TUESDAY, MARCH 6, 1990

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Health) Caucus Rm 156

10:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Public Welfare) Caucus Rm 156

WEDNESDAY, MARCH 7, 1990

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Environmental Resources) Caucus Rm 156

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Insurance) Caucus Rm 156

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Agriculture) Caucus Rm 156

THURSDAY, MARCH 8, 1990

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of Revenue) Caucus Rm 156

10:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Liquor Control Board) Caucus Rm 156

11:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - PEMA) Caucus Rm 156

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Department of General Services) Caucus Rm 156

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, March 12, 1990, 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 4:00 p.m., Eastern Standard Time.