

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 3, 1990

SESSION OF 1990 174TH OF THE GENERAL ASSEMBLY

No. 23

### SENATE

TUESDAY, April 3, 1990.

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

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

### PRAYER

The Chaplain, Monsignor LEO BEIERSCHMITT, Pastor of St. Catherine Laboure Church, Harrisburg, offered the following prayer:

Let us pray.

Almighty and everlasting God, grant Your most abundant blessings on this august body of lawmakers in this Senate of the Commonwealth of Pennsylvania.

Lest we forget, we thank You for all Your gifts of love, especially for those we often overlook. We thank You for friends to increase our love for You. We thank You for enemies to increase our tolerance. We thank You for joys and happiness to strengthen our faith in You. We thank You for trials and tribulations to strengthen our trust and perseverance. We thank You for the times when all goes well, to teach us serenity. We thank You for the days when things are rough, to teach us patience. We thank You for our successes, to increase our confidence. We thank You for our failures, to increase our humility. We thank You, God, for the ups and downs of life. We thank You, God, for the precious gifts of life itself.

Help us to continue to grow and to learn to love and to be grateful. Comfort us when we are disturbed. Disturb us when we are too comfortable.

And lastly, we ask You once again to grant Your abundant blessings on all here present and our great Commonwealth of Pennsylvania. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 2, 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 MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

#### APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Senator John W. Regoli as a member of the Committee on Ethics and Official Conduct to fill the vacancy caused by the resignation of Senator James E. Ross.

### REPORTS FROM COMMITTEE

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

#### SB 550 (Pr. No. 2081) (Amended)

An Act establishing the Office of the Great Lakes within the Department of Environmental Resources and designating the office as the lead agency within State government for the development of policies, programs and procedures to protect, enhance and manage the Great Lakes.

#### SB 1219 (Pr. No. 2082) (Amended)

An Act providing for the labeling of recyclable products and plastic containers; mandating the use of environmentally acceptable packaging in restaurants; requiring the removal of toxics in packaging; and encouraging cooperation among the states to set uniform policies to reduce unnecessary packaging.

#### SB 1328 (Pr. No. 2083) (Amended)

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), entitled "Solid Waste Management Act," providing for the establishment, implementation and administration of an inspection program for vehicles which transport municipal waste.

#### SB 1551 (Pr. No. 2084) (Amended)

An Act extending the deadline for filing for a permit for disposal of municipal wastes.

**DISCHARGE PETITIONS**

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

In the Senate, April 3, 1990.

**A PETITION**

To place before the Senate the nomination of Virginia H. Mynick as a member of the State Board of Cosmetology.

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 Virginia H. Mynick, Rahns, Pennsylvania, as a member of the State Board of Cosmetology, 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 laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, April 3, 1990.

**A PETITION**

To place before the Senate the nomination of Juanita Kidd Stout as a member of the Board of Trustees of The Pennsylvania State University.

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 Juanita Kidd Stout, Philadelphia, Pennsylvania, as a member of the Board of Trustees of The Pennsylvania State University, 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 laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, April 3, 1990.

**A PETITION**

To place before the Senate the nomination of Frank J. Donatucci as a member of the Real Estate Commission.

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 Frank J. Donatucci, Broomall, Pennsylvania, as a member of the Real Estate Commission, 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 laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, April 3, 1990.

**A PETITION**

To place before the Senate the nomination of The Honorable Sarah W. Hargrove as a member of the State Employees' Retirement Board.

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 The Honorable Sarah W. Hargrove, Harrisburg, Pennsylvania, as a member of the State Employees' Retirement Board, 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 laid before the Senate the following communication, which was read by the Clerk as follows:

In the Senate, April 3, 1990.

**A PETITION**

To place before the Senate the nomination of Robert E. Glowacki as a member of the State Tax Equalization Board.

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 Robert E. Glowacki, Erie, Pennsylvania, as a member of the State Tax Equalization Board, 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 communications will be laid on the table.

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the following committees to meet during today's Session: The Committee on Rules and Executive Nominations to consider Senate Bills No. 648, 848 and certain nominations and the Committee on Labor and Industry to consider House Bill No. 1756.

**LEGISLATIVE LEAVES**

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

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Belan and legislative leaves for Senator Andrezeski, Senator Fumo and Senator Lynch.

The PRESIDENT. Senator Brightbill requests legislative leave for Senator Wilt. Senator Mellow requests temporary Capitol leave for Senator Belan and legislative leaves for Senator Andrezeski, Senator Fumo and Senator Lynch. The Chair hears no objection. Those leaves will be granted.

**LEAVE OF ABSENCE**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 295 (Pr. No. 2077)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 13, 1963 (P. L. 774, No. 390), entitled "County Jail Prisoner Temporary Release Law," deleting gender specific language; and authorizing the collection of confinement costs in cases relating to prisoners confined only during weekends or short periods of time.

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—48**

Afflerbach	Fumo	Loeper	Rhoades
Andrezeski	Greenleaf	Lynch	Rocks
Armstrong	Greenwood	Madigan	Scanlon
Baker	Helfrick	Mellow	Shaffer
Belan	Hess	Musto	Shumaker
Bell	Holl	O'Pake	Stapleton
Bodack	Hopper	Pecora	Stewart
Brightbill	Jones	Peterson	Stout

Corman	Jubelirer	Porterfield	Tilghman
Dawida	Lemmond	Punt	Wenger
Fattah	Lewis	Regoli	Williams
Fisher	Lincoln	Reibman	Wilt

**NAYS—0**

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

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

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR PATRICK J.  
STAPLETON PRESENTED TO SENATE**

Senator STAPLETON. Mr. President, in the gallery today we have members of the local government class of a school in Indiana County. It is the Indiana Wesleyan School in Dixonville. We have Reverend Stewart, who is the teacher, and members of his class. They have visited the House of Representatives. We are pleased to have them with us here in the Senate, and I would ask for our usual warm welcome.

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

(Applause.)

**GUESTS OF SENATOR STEWART J.  
GREENLEAF PRESENTED TO SENATE**

Senator GREENLEAF. Mr. President, I rise to recognize a group from eastern Montgomery County representing the Pennsylvania Association of Realtors. Many of this group, as I said, are from eastern Montgomery County and their representative is Mary Stoltz from Rydal, which is also in my district. I would hope the Body would recognize them.

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

(Applause.)

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER**

**SB 521** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 891 (Pr. No. 1020)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for testing for controlled substances; and providing for costs.

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—48

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

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 986 (Pr. No. 2056)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 10, 1982 (P. L. 454, No. 133), entitled, "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," authorizing direct commercial sales of agricultural commodities.

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—48

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

NAYS—0

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

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

BILL OVER IN ORDER

**SB 1091** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1099 (Pr. No. 2050)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for reimbursement by insurance companies, professional health service plan corporations, fraternal benefit societies and voluntary nonprofit health service plans for service performed by a licensed speech-language pathologist, a licensed audiologist or a licensed teacher of the hearing impaired; and providing for further duties of the Insurance Department.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, I would only like to point out that in our discussion and in our caucus there was some concern about Senate Bill No. 1099 and some differences of opinion. I think the Members should be aware we are voting on Senate Bill No. 1099 and that some of them did express a concern, at least when we discussed it in caucus.

And the question recurring,  
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—36

Afflerbach	Greenwood	Loeper	Shaffer
Andrezeski	Helfrick	Madigan	Shumaker
Armstrong	Hess	Musto	Stapleton
Baker	Holl	Pecora	Stewart
Bell	Hopper	Peterson	Stout
Brightbill	Jones	Punt	Tilghman
Corman	Jubelirer	Reibman	Wenger
Fisher	Lemmond	Rhoades	Williams
Greenleaf	Lincoln	Rocks	Wilt

NAYS—12

Belan	Fattah	Lynch	Porterfield
Bodack	Fumo	Mellow	Regoli
Dawida	Lewis	O'Pake	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.

BILLS OVER IN ORDER

**SB 1193** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**SB 1229 (Pr. No. 1823)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the regulation of small-site day-care centers; conferring powers and duties upon the Department of Public Welfare; and making an appropriation.

The bill was considered.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Lebanon, Senator Brightbill.

The PRESIDENT. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

Senator MELLOW. Mr. President, only for a point of clarification, can Senator Brightbill explain to us page three of this proposal where small-site day-care agencies are defined? In the explanation it talks about homes where between four and six unrelated children received some type of day care. Can he explain to us exactly what is meant by that?

Senator BRIGHTBILL. Yes, Mr. President. As the law presently stands, homes of this size are regulated but they are not licensed. There is a form that someone who seeks to operate one of these homes fills out and they, basically, sign on the dotted line and say they are going to follow the regulations that are set forth presently by the state. One of the things this bill does is provide for inspection of these homes once they are licensed, and the inspections would generally be carried out by a day care agency. These are homes that receive public money, and since they receive it through the Title 20 Program, we believe we have an obligation to see that the public money is expended wisely.

Senator MELLOW. Could Senator Brightbill explain to us or just comment on an example I am going to give. If individuals on Main Street USA, anywhere in Pennsylvania, take into their home four unrelated children, four children who are not relatives of those particular persons, after they complete their day of school and keep them there and give them some type of care until a parent or a guardian comes home from work and they do not receive any type of federal or state money, must they then qualify under this law and become licensed?

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator BRIGHTBILL. Mr. President, the answer is that such a home is presently regulated. Under our bill such a home would have to be licensed and would only be subject to an annual inspection. If the home receives a state or federal subsidy through Title 20 or some other kind of program, then they would be inspected monthly through an agency.

Senator MELLOW. Mr. President, I thank the gentleman. I am going to express some of my concerns about the proposal. I am not going to take a position against it, but I think

the record should be clear as to some of the concerns we, on this side of the aisle, do have.

First of all, Mr. President, I am concerned about what happens in this particular case to a mom and pop operation, being a home where four or even possibly less than four children are taken in by a family to provide some type of day care center services for them, either after school or during the school day when a child may not, in fact, be going to school. I have a concern about what may happen in that particular situation. I realize what Senator Brightbill is trying to do because I think we are all in favor of it, and that is to make sure homes that are taking care of our children are properly licensed. I have a little bit of a problem with the number four then. If we should license a home that takes in four to six people who are not related then, perhaps, we should go right down to one and say if you take one child into your home and provide any kind of care or benefits for them, then, in fact, the home should be licensed.

Finally, Mr. President, I think—and I just say I think—this might be a bit discriminatory against some people who if not for the fact that they have friends who take their children in to watch them after school hours and between the time school is ended and a parent or guardian comes home from work, then, perhaps those individuals who are benefiting from this particular type of a working relationship today would not be able to go out and work in the positions they are currently working in and, in fact, may go right back to becoming wards of the state and have to participate in welfare payments.

The other part of interest I think should be pointed out is, although the appropriation in the bill is for \$500,000 for the 1989-90 fiscal year, the department has indicated to us that they expect the cost of this particular bill, once it is implemented, to be somewhere in the vicinity of \$1.4 million for the proper type of implementation. We have discussed over the past several months the austere budget we are in. We have heard much discussion about programs that, in fact, are worthwhile programs, including some discussion that took place on the floor yesterday, and the possibility that we cannot make the proper funding to those programs. Here we have a new program, one that was not discussed during the budget debate of the 1989-90 budget, and we are asking for at least an additional \$500,000 to be spent that heretofore had not been budgeted, with a projection of approximately \$1.4 million, and I would assume the bill will pass the Senate today, but I think it is very important, before the House takes up this bill in final deliberation, that some of the things we have just talked about should be fully explored.

Senator BRIGHTBILL. Mr. President, I would just like to call the Members' attention to a booklet I have that is published by the Department of Public Welfare. It is entitled "The Regulations for Family Day Care Homes." What it says is that under the Act of January 1, 1980, any home that provides care for four, five or six children was considered a family day care home and is subject to these regulations. We are not changing the impact of the regulations. What we are providing for here is some procedure to provide for an inspec-

tion and licensing of these homes. As it presently stands, anyone in this Commonwealth can get a form, submit that form and become a registered day care provider under this Act. In fact, it is probably no tougher to do that than to get a hunting license in this state. We are providing for, at least, an annual inspection of these homes, and in these homes where the provider is being paid through the state or federal government, we are providing for a monthly inspection. We think that is the least we can do at this stage. We ought to really be doing more.

Senator CORMAN. Mr. President, I desire to interrogate the gentleman from Lebanon, Senator Brightbill.

The PRESIDENT. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

Senator CORMAN. Mr. President, I am concerned about the definition of "small day care agency." Back in my day when my four children were very small, on an infrequent basis, if my wife and I were both involved in something, we would take all four of our children to a person's home, who looked after the children for that particular day, and maybe we would not do it again for two, three or four days or a week later. Is this now called a small day care center?

Senator BRIGHTBILL. No, Mr. President, because if they are relatives, it is not a small day care center.

Senator CORMAN. Mr. President, the lady may not be related to my children.

Senator BRIGHTBILL. Mr. President, the way the statute reads is "...three or less children who are not relatives of the caregiver is not subject to the requirements of Section 1010." The gentleman raises an interesting question with four children going to a neighbor, so to speak, on an occasional basis. Under the strict reading of this, my judgment is that would be a small-site day care center. If the gentleman would have some kind of an amendment to try to correct that, I would be responsive to it. My reaction to it is that it is such an isolated and de minimis kind of an infraction that I do not think it really imposes a problem to the passage of the bill. If, for example, one family took four children to the same day care provider week after week and that kind of thing, then I think they should be licensed, but I think such an infrequent occurrence would be a de minimis infraction.

Senator CORMAN. Mr. President, this is a concern I have. I originally was not for the bill. I am now basically for the bill except that it just occurred to me sitting here, further thinking about it, that when my children were very small and day cares were not available in those days, and my wife did not work on a regular basis, there were times when we took all four of our children to, maybe, a next door neighbor or some other person not related to us who would look after them. I am concerned that that kind of service is still used, I do not doubt, in almost every community on an infrequent basis. Are we saying that will have to be extinguished? I have no idea of an amendment. I just now thought of the problem.

Senator WILLIAMS. Mr. President, I desire to interrogate the gentleman from Lebanon, Senator Brightbill.

The PRESIDENT. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

Senator WILLIAMS. Mr. President, under this bill, I understand inspections are connected with this as somebody's responsibility. Is that correct?

Senator BRIGHTBILL. Mr. President, that is correct.

Senator WILLIAMS. Mr. President, can the gentleman tell me what, specifically, that inspection is desired to do—inspection for what?

Senator BRIGHTBILL. Mr. President, I think the inspection is designed to assure the provider of the day care is furnishing service that is in accordance with the regulations. As it stands now, Mr. President, the provider is obliged to provide the kind of service that is set forth in the book of regulations. However, there is no inspection at all, and there is no way for the government to assure, particularly where it is spending its money, that the provider is providing these services as set forth.

Senator WILLIAMS. Mr. President, the answer says the gentleman thinks that the inspection should do certain things. My concern is that if one did, in fact, inspect and require or do or say things which really were not consistent with whatever we mandate, that would be a waste of time for the bureaucracy and taking away, in some cases, some terrific service in a well-needed area. Therefore, my question is, where in the bill are the specific standards or reasons that the inspectors must follow to achieve whatever specific desired result we are after? Where can one find that specific standard or result? In short, if we give someone the authority to inspect, which is a power, I would like to know where, in terms of accountability or a public policy objective, it is written or stated what we are looking for, and what standards we go by to make a determination?

Senator BRIGHTBILL. Mr. President, the act itself under Section 1011, on pages four and five, makes provision for the inspections. In addition, there are presently regulations for family day care homes that are now in effect, and I have a copy of those here at the podium. This is a book that contains a number of items, most of which, I would add, are common sense items. In fact, I think you could say all these are common sense items. For example, number 45 says all windows and doors used for ventilation must be screened. Obviously, by having these facilities licensed, the sanction then can be imposed if they do not follow the regulations and the license can be lifted. Now we are not interested in seeing that happen. What we are interested in seeing happen is that the regulations are complied with. These are common sense regulations that are designed to make it safer for children. One thing we have to keep in mind when we are talking about day care—and this was something I had to learn—is that—I am answering the gentleman's question.

The PRESIDENT. Does the gentleman wish him to complete his answer, or do you have a separate direction that you want to go in?

Senator WILLIAMS. Mr. President, my question really was, where, specifically, what it is and the gentleman's responses still give a lot of opinion about public policy. While I do not object to an expansion of that, it does seem to me that I am still waiting for an answer, and I did not want to get into the opinions.

Senator BRIGHTBILL. I gave the answer, Mr. President.

The PRESIDENT. Senator Brightbill has identified a section of the statute as his reference.

Senator WILLIAMS. Yes, Mr. President. My problem remains, with all the words that were said. Specifically, what is the connection with what is in the bill we have before us with the standards in some other book or act, and, specifically, over and above windows, what are some of the things, the heart of which the inspection is designed to look for? Where in this bill does it say that these people are required to inspect for specific things and what they are supposed to do about it? I see nothing in this bill here, other than the broad question of inspection. So, once again, I would like to ask, Mr. President, if the gentleman can be more specific as to what the inspections are designed to connect with, over and above the windows?

Senator BRIGHTBILL. Mr. President, would the gentleman repeat the question?

Senator WILLIAMS. Mr. President, there are two things. One, specifically what the objectives or the standards are and what they are supposed to inspect, where that can be found and where in this bill it requires anybody to expect to find those specific things we are talking about?

Senator BRIGHTBILL. Mr. President, it is on pages four and five, Section 1011, et cetera.

Senator WILLIAMS. Mr. President, the answer was the same I got before. My question was two-fold. Where can we find the standards and what are the standards? He did tell us before they could be found in Section 1011. I assume he is talking about Act 1010. I assume that is what he is talking about.

Senator BRIGHTBILL. Mr. President, that is not Act 1010, that is Section 1011.

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator BRIGHTBILL. Mr. President, in light of the questions on the bill, could the bill go over in its order?

The PRESIDENT. Senator Brightbill asks that Senate Bill No. 1229 be taken over in its order today. Without objection, the bill will go over in its order.

**SB 1389** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

### BILLS OVER IN ORDER

**HB 11 and 59** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**HB 159 (Pr. No. 3261)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), known as the "Dog Law," exempting certain puppies being trained as dog guides for the blind from licensing requirements; and further providing for offenses relating to dogs used for law enforcement.

Considered the second time and agreed to,

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

## RECONSIDERATION OF HB 159

### BILL OVER IN ORDER

**HB 159 (Pr. No. 3261)** — Senator LOEPER. Mr. President, I move to reconsider the vote by which the bill was agreed to on second consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second consideration?

Senator LOEPER. Mr. President, I request that House Bill No. 159, Printer's No. 3261, go over in its order.

The PRESIDENT. Without objection, House Bill No. 159, Printer's No. 3261, will go over in its order.

## BILLS OVER IN ORDER

**HB 406 and 820** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS ON SECOND CONSIDERATION

**SB 888 (Pr. No. 2047)** — 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 cigarette licensing and license fees.

Considered the second time and agreed to,

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

**SB 889 (Pr. No. 2048)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 20, 1949 (P. L. 1584, No. 478), entitled "Unfair Cigarette Sales Act," further defining certain terms; regulating sales; providing remedies; providing penalties; and making an appropriation.

Considered the second time and agreed to,

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

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair would recognize the presence on the floor of Senator Belan. His temporary Capitol leave will be cancelled.

**SECOND CONSIDERATION CALENDAR RESUMED****BILLS OVER IN ORDER**

**SB 1194, HB 1294 and 1360** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 1373 (Pr. No. 2078)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring pedalcycle helmets for persons five years of age or younger; making it unlawful to leave an unattended child in a vehicle; and providing a penalty.

Considered the second time and agreed to,

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

**BILLS OVER IN ORDER**

**SB 1412 and HB 1658** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**HOUSE CONCURRENT RESOLUTION****NO. 267, CALLED UP**

Senator LOEPER, without objection, called up from page 4 of the Calendar, **House Concurrent Resolution No. 267**, entitled:

Designating the month of May 1990 as "Motorcycle Safety Month."

On the question,

Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 267**

Senator LOEPER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 267.

The motion was agreed to and the resolution was concurred in.

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

**HOUSE CONCURRENT RESOLUTION****NO. 280, CALLED UP**

Senator LOEPER, without objection, called up from page 5 of the Calendar, **House Concurrent Resolution No. 280**, entitled:

Designating May as "Parliamentary Law Month."

On the question,

Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 280**

Senator LOEPER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 280.

The motion was agreed to and the resolution was concurred in.

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

**RECESS**

Senator LOEPER. Mr. President, for the information of the Members, at this time I would ask for a brief recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate Chamber, followed by a special meeting of the Committee on Labor and Industry called in the Rules room. For the information of the Members returning to the floor, there may be additional votes this afternoon.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Labor and Industry, the Senate will stand in brief recess.

**AFTER RECESS**

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

**UNFINISHED BUSINESS****REPORTS FROM COMMITTEES**

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

**SB 648 (Pr. No. 2085) (Amended)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing the Department of Corrections to enter into contracts with the Federal Government for the housing of State prisoners in Federal correctional facilities; and requiring certain State heating systems to be fueled by coal.

**SB 848 (Pr. No. 2087) (Amended)**

An Act amending the act of December 15, 1988 (P. L. 1235, No. 151), entitled "Children's Trust Fund Act," providing for a surcharge on divorce complaints rather than divorce decrees; and authorizing the use of guidelines for grant criteria on an interim basis.

Senator MADIGAN, from the Committee on Labor and Industry, reported the following bill:

**HB 1756 (Pr. No. 2987)**

An Act amending the act of May 18, 1937 (P. L. 674, No. 177), known as the "Pennsylvania Labor Mediation Act," providing for confidentiality of information disclosed to mediator.

Senator HESS, from the Committee on Education, reported the following bill:

**HB 98 (Pr. No. 3327) (Amended)**

An Act amending the act of October 22, 1986 (P. L. 1452, No. 143), known as the "Adult Literacy Act," providing for the establishment of and powers and duties of a literacy council.



**RESOLUTIONS REPORTED FROM COMMITTEE**

Senator HESS, from the Committee on Education, reported the following resolutions:

**Senate Concurrent Regulatory Review Resolution No. 1 of 1990**

Disapproving a State Board of Education regulation on Special Education Services and Programs.

**Senate Concurrent Regulatory Review Resolution No. 2 of 1990**

Disapproving a State Board of Education regulation on Special Education Services and Programs.

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

**MEETING OF COMMITTEE ON BANKING AND INSURANCE POSTPONED**

The PRESIDENT. The Chair wishes to announce on behalf of the gentleman from Montgomery, Senator Holl, that the meeting of the Committee on Banking and Insurance scheduled for 3:30 p.m. today has been postponed until the week of April 17th.

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator BRIGHTBILL,

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

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

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

January 22, 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, Lester McNutt, P. O. Box 288, Hooversville 15936, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Catherine H. Kelley, Greensburg, whose term expired.

ROBERT P. CASEY.

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

January 22, 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, David A. Penrod, R. D. 2, Box 250, Boswell, 15531, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Frederick F. Coffroth, Esquire, Somerset, whose term expired.

ROBERT P. CASEY.

**COMMONWEALTH TRUSTEE OF THE UNIVERSITY OF PITTSBURGH-OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION**

January 22, 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 J. Chappano, 712 Filbert Street, Pittsburgh 15232-2404, Allegheny County, Forty-third Senatorial District, for appointment as a Commonwealth Trustee of the University of Pittsburgh - of the Commonwealth System of Higher Education, to serve until October 5, 1990, and until his successor is appointed and qualified, vice Karen S. Fisher, Mineral Point, resigned.

ROBERT P. CASEY.

**MEMBER OF THE JEFFERSON COUNTY BOARD OF ASSISTANCE**

February 22, 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, Connie Brosius (Democrat), R. D. #2, Box 69, Mayport 16240, Jefferson County, Forty-first Senatorial District, for appointment as a member of the Jefferson County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified, vice James L. Manners, Brockway, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE JEFFERSON COUNTY BOARD OF ASSISTANCE**

February 22, 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, Eleanor C. Haky (Democrat), 126 Hill Street, Sykesville 15865, Jefferson County, Forty-first Senatorial District, for appointment as a member of the Jefferson County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE JEFFERSON COUNTY  
BOARD OF ASSISTANCE

February 22, 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, Jane A. Spencer (Democrat), 411 North Findley Street, Punxsutawney 15767, Jefferson County, Forty-first Senatorial District, for appointment as a member of the Jefferson County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE JEFFERSON COUNTY  
BOARD OF ASSISTANCE

February 22, 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, Floyd Work (Democrat), 933 Main Street, Brockway 15824, Jefferson County, Forty-first Senatorial District, for appointment as a member of the Jefferson County Board of Assistance, to serve until December 31, 1992, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

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

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

Senator LOEPER. Mr. President, at this time I would ask again for a brief recess of the Senate and ask all Republican

Members if they would report to the Rules room for a very brief meeting.

The PRESIDENT. For the purpose of a Republican caucus that will be, we are told, brief, the Senate will stand in recess.

AFTER RECESS

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

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

SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1

BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED BY THE SENATE

SB 648 (Pr. No. 2085) — 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," authorizing the Department of Corrections to enter into contracts with the Federal Government for the housing of State prisoners in Federal correctional facilities; and requiring certain State heating systems to be fueled by coal.

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. 648.

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

Senator LOEPER. Mr. President, this was a bill that was just amended and reported out of the Committee on Rules and Executive Nominations today. We have taken the action of putting the bill on the Supplemental Calendar to consider it this afternoon because the bill deals with a subject of apparent great urgency in that the Senate will be recessing today until April 17th. It is my understanding that consideration of this bill is needed, particularly in light of the fact that it would provide the administration with the authority to contract with the federal government for the housing of prisoners that were transferred from the Camp Hill situation. Unfortunately, Mr. President, we have received notification from the United States Department of Justice, the Federal Bureau of Prisons, that Pennsylvania thus far has not been able to pay its bills to the federal government for those prisoners who have been housed. My understanding is we have 800 of Pennsylvania's prisoners currently residing in federal institutions, and the state has been notified that the Federal Bureau of Prisons accepted the transfer in order to assist the state. But the action was difficult for the Feds to undertake, since many of their correctional facilities were already overcrowded, and, unfortunately, if Pennsylvania does not make good on its commit-

ment to the federal government by the 16th of April, the very likely possibility exists that those prisoners could be coming back to Pennsylvania without having adequate correctional facilities to house them. So in light of that deadline, Mr. President, and, unfortunately, here we are with a situation that occurred last fall and trying to act at the midnight hour in order to avert a crisis situation, it is in that context that I would ask for an affirmative vote on the concurrence.

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

The PRESIDENT pro tempore. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated? Senator LOEPER. I will, Mr. President.

Senator RHOADES. Mr. President, could we be told when we received that letter from the Feds or when the Majority Leader received that letter?

Senator LOEPER. Mr. President, that letter was transmitted to me from the administration this afternoon.

Senator RHOADES. Mr. President, just this afternoon for bills that will be collected or due April 16th, before we are ready to break for Easter Recess?

Senator LOEPER. Mr. President, that is correct.

Senator RHOADES. Thank you, Mr. President.

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

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

Senator LOEPER. I will, Mr. President.

Senator MELLOW. Mr. President, could Senator Loeper tell us again about the letter? I am sorry, but when the gentleman from Schuylkill, Senator Rhoades, was talking, I was not exactly certain of what the question was. Could he please reiterate or repeat what the question was and what the answer was?

Senator LOEPER. Yes. Mr. President, the gentleman from Schuylkill, Senator Rhoades, had queried me as to when I had received a copy of the letter that was directed to Mr. DeRamus, the acting Commissioner of Corrections, from the Director of the Federal Bureau of Prisons, regarding the immediacy of the need of this legislation. I indicated to Senator Rhoades that I had received a copy of this correspondence just this afternoon.

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

Senator MELLOW. Mr. President, I thank the gentleman. The only comment I would like to make is that I realize the urgency of final passage today of Senate Bill No. 648, but I think the record has to be clear. Although a letter may have been received this afternoon about the urgency of it, we in leadership have known about this for the past several weeks, about the urgency and how we had to pass it before we adjourned today and, in fact, I have had some discussion with leadership on the Republican side and understood only too well that this was an important piece of legislation and we had to make every effort, and I congratulate Senator Loeper because he has done that. I think it would be unfortunate if

the record would show this was something brought to our attention today on a bill that had to be passed today, because that, in fact, is not what did take place.

Senator LOEPER. Mr. President, just in response to the Minority Leader's remarks, I think it is important that the record be clear that I personally was contacted by the administration just last week to indicate to me the urgency of moving this legislation forward. We tried to review all facets of it and amend certain parts that created some problems and brought us to this point today.

Senator HOPPER. 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 HOPPER. Mr. President, I have a puzzle in my own mind about the amount of money we are talking about. Do you have any idea what it is going to cost?

Senator LOEPER. Mr. President, my understanding is that the cost is approximately \$100 per prisoner per day and at this point the accrued amount would have to be addressed by a deficiency appropriation which would again come before this Senate and House for consideration. The total amount that deficiency could be, as I understand it, is between \$2 million and \$3 million.

Senator HOPPER. Between \$2 million and \$3 million. Thank you, Mr. President.

Senator ROCKS. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT. Will the gentleman from Lackawanna, Senator Mellow, permit himself to be interrogated?

Senator MELLOW. I will, Mr. President.

Senator ROCKS. Mr. President, there has been some discussion now that has gone beyond leadership discussions as we now have this legislation in front of us to finally pass. I think we came here in good faith and with good will in order to accomplish this before we go on a recess. My question is, at this point in April, even with several weeks discussion of the need for this legislation in order for the Commonwealth to pay the federal government for prisoners who have been shipped to federal facilities, when were the prisoners sent?

Senator MELLOW. Mr. President, if that is a question that is directed to me, I would have to answer only by saying I think that would be a question that would be better posed to the Department of Corrections. I have no idea when the prisoners were sent. I cannot give any specific dates because I do not have them.

Senator ROCKS. Mr. President, would it be in or about the month of October of last year?

Senator MELLOW. Mr. President, I do not know. I cannot answer the question.

Senator ROCKS. Mr. President, I thank the Minority Leader.

Mr. President, if I may, I believe the shipment of nearly 800 prisoners, or thereabouts, came clearly as a result of the riot at Camp Hill. It would have been in October. While I have no

doubt the gentleman and others amongst us in the legislative ranks may have been for several weeks aware—not the majority of this Senate, but maybe the gentleman in his leadership was aware of the need for this legislation—Mr. President, if this legislation was needed to pay the federal government for services they have been providing to this Commonwealth since October, it is rather inconceivable to at least a few of us, myself amongst them, that there was not some plan of action to come before this Legislature long before. It is also clearly my understanding that in legislative hearings conducted in a tough and investigative manner to begin to bring some resolution as to what was the aftermanagement of Camp Hill, this issue was defined clearly then, at least from us to the administration. It seems there was not a need to be in a dead rush before a recessing hour in order to pass it, although we ought to proceed with that now.

Senator HOLL. 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 HOLL. Mr. President, I want, for my own clarification, to learn the sequence of events. Today is the first time I personally heard about this situation. Today is the first day we have discussed it in our caucus. Today we learned that the letter was dated March 16, but I am not clear on when we received this letter, according to the gentleman from Lackawanna, Senator Mellow. It looks to me, Mr. President, that this side of the aisle is being blamed for something that actually the administration should be blamed for.

Senator LOEPER. Mr. President, as I indicated earlier, this letter was received by me this afternoon. The letter is dated March 16, 1990. As to being alerted to the situation, I had received a call from the administration last week to indicate the urgency of trying to move this legislation to address this issue.

Senator HOLL. I have another question, Mr. President. If my calculations are correct, I understand the cost is approximately \$100 per day per prisoner?

Senator LOEPER. I believe that the estimates that have been given to me, Mr. President, are as much as \$100 per day per prisoner.

Senator HOLL. Mr. President, so it may be slightly more and some less. If we take an average of \$100 per day and there are 800 prisoners involved, that is \$80,000 a day, and for 300 days that would be approximately \$24 million to \$25 million for a year. Where will this money come from? Is it going to be a deficiency appropriation or will it be from the General Fund budget?

Senator LOEPER. My understanding, Mr. President, is that any money that would be incurred by these costs would come from a deficiency appropriation, which would be a General Fund budget item.

And the question recurring,

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—48

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

#### 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.

### UNFINISHED BUSINESS

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Eric Platt and to Richard Suchant by Senator Belan.

Congratulations of the Senate were extended to Keith Josten by Senator Bell.

Congratulations of the Senate were extended to the citizens of the Borough of Shoemakersville by Senator Brightbill.

Congratulations of the Senate were extended to United Minority Enterprise Associates, Incorporated of Philadelphia by Senator Fattah.

Congratulations of the Senate were extended to John W. MacArthur and to Ancillae-Assumpta Academy of Wyncote by Senator Greenleaf.

Congratulations of the Senate were extended to Edward F. Sweeney by Senator Hopper.

Congratulations of the Senate were extended to Ann Moss and to the Christ United Gospel Singers of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Cleon C. Fry and to Mr. and Mrs. Edward D. Silsbee by Senator Madigan.

Congratulations of the Senate were extended to Adolf Greenwald by Senator Musto.

Congratulations of the Senate were extended to community leaders of Berks County and to the Girls Basketball Team of St. Ignatius Loyola School of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Herbert W. Schwer by Senator Pecora.

Congratulations of the Senate were extended to William Flexman by Senator Peterson.

Congratulations of the Senate were extended to Philip Heller and to Girl Scout Troop 957 of Littlestown by Senator Punt.

Congratulations of the Senate were extended to R. C. Cramer Lumber Company of East Stroudsburg by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. E. Paul Summerville, Mr. and Mrs. John Craig and to Cadet Lieutenant Colonel Cloyd Smith by Senator Shaffer.

Congratulations of the Senate were extended to Temple Beth Zion-Beth Israel of Philadelphia by Senator Williams.

### BILLS ON FIRST CONSIDERATION

Senator AFFLERBACH. 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 550, 1219, 1328, 1551, HB 98 and 1756.**

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

### PETITIONS AND REMONSTRANCES

Senator MELLOW. Mr. President, I would just like to have for the record, perhaps, a clarification, in part. Mr. President, we did not blame—when I say we, the Democrat Members of the Senate—any particular individual or this Body for the fact that Senate Bill No. 648 had not been considered prior to today, but the record is clear that Senate Bill No. 648 passed the House in an amended form on December 12, 1989, almost four months ago. It was in the Committee on Rules and Executive Nominations for the past four months, so it was not that there was a request made to consider the bill at the last moment. The bill has been over here in the Senate for the past four months, and we on this side of the aisle do not control the flow of legislation, or we do not control the agendas that are set forth by our various committees. I just want to make a clarification that, first of all, we did not assess any blame to any one particular individual, nor will we. We think it is important that the action that has been taken today on the bill is the appropriate type of action, but the bill was amended over in the House and sent back to us here in the Senate some four months ago. I would just like to point that out.

Senator ARMSTRONG. Mr. President, a couple of weeks ago the gentleman from Allegheny, Senator Fisher, was talking about the Capital for a Day program that was happening throughout the state. Since that time, we did have a Capital for a Day in Lancaster County. It received some pretty good publicity, I must say. To be objective, I would say that the Governor and the Lieutenant Governor were not too political on the surface. I think we gave them a very good reception in Lancaster County, I think the best reception they ever had.

They talked about the cost of this. I believe even in our own newspaper they talked about the cost as being relatively low.

They thought maybe even as low as \$5,000, and that got some press. I thought I would do a little case study of what some of the promises and pledges were during these Capital for a Day programs throughout the state.

The first one was in Erie on June 16th and 17th of 1988. During that Capital for a Day, there was \$1.15 million granted to Northwestern Pennsylvania Industrial Resource Center to encourage small business development. There was \$102,000 for recycling programs in three Erie County municipalities; \$5 million for bay-front museum construction; and \$3.8 million for construction of a materials handling slip near the International Marine Terminal, for a total cost of over \$10 million.

The one city I did not get was Wilkes-Barre/Scranton, and that was September 29th and 30th of 1988. I could not find any listing for that.

The next one was Johnstown. In Johnstown it was really a bonanza. Johnstown hit the jackpot. Johnstown was November 21st and 22nd of 1988. They had \$30 million to overhaul the city sewage system and PENNVEST funded \$500,000 of that grant, and \$29.5 million was through a low-interest loan. They also got a \$100,000 loan for the Griffith-Custer Steel Company; \$414,715 in state energy efficiency measure grants to eight agencies through the YMCA; \$700,000 for a computer system for the Cambria County flash flood warning system; \$24,950 low-interest loan to Summerhill Township Volunteer Fire Company; \$1 million for a grant for the Johnstown Flood Centennial Program; \$82 million in tax exempt bonds for the Ebensburg Co-Generation Plant. This was made available through the Pennsylvania Energy Department Authority with Lieutenant Governor Singel, which the Lieutenant Governor heads; and a promise was made to look into an \$8.2 million interchange project on Route 219. As I said, this was the jackpot, the granddaddy of all the areas: \$114,239,665 in various grants and promises.

York was next, on February 9th and 10th of 1989, with a \$2.5 million loan to the Abbottstown/Paradise Sewer Authority for construction of a sewer plant; \$200,000 grant for child abuse programs; \$1 million for design and engineering of the Route 30 project from Route 116 to Route 24; \$700,000 for traffic lights and repaving sections of Route 30; also there is a promise of \$35 million for the Route 30 project, widening, et cetera, from I-83 bridge to Carlisle Road. Total: \$39.4 million.

Next was Levittown, on March 30th and 31st of 1989; \$700,000 for Route 413 interchange; \$650,000 for the Woodbourne/Langhorne-Yardley intersection; \$3.1 million for work on Route 611 in Doylestown; \$106,000 for the Pennsylvania Manor water-purification system; \$158,000 for renovation of county recycling center; and \$419,000 for curbside recycling programs, a total of \$5,133,155.

The next program was Uniontown Capital for a Day, May 18th and 19th; the widening of Route 119 north of Uniontown was for \$1.4 million; \$3.5 million went to build a coal desulphurization center at Penn State University at Fayette campus; \$800,000 for the coal water slurry test facility at

Penn State University campus; \$97,740 for the Connellsville Recycling Program; a \$50,000 loan to Dunbar Volunteer Fire Company; a \$5.6 million PENNVEST grant/loan for the Connellsville Sewer Plant. Total: \$11,447,740.

Greensburg was next, on September 21st and 22nd, at \$6.1 million for four industrial parks in Westmoreland County; \$491,691 for construction of a runaway truck ramp; \$15,000 for implementation of a state mandated recycling program. Total: \$6,606,691.

Next was Williamsport, on November 3rd and 4th; \$2 million to Williamsport Wire Rope Works for purchase of Bethlehem Wire Rope Plant; \$420,000 grant to the city for access road, water/sewer lines to new UPS facility; \$40 million for Route 15 bypass. Total: \$42,420,000.

Reading was next, and probably, based on my information, was shortchanged somewhat and that was February 15th and 16th. They got a \$2.5 million grant for final design work for the Park Road Corridor Project. Total: \$2,500,000.

We were last, Lancaster, Pennsylvania, March 21st and 22nd; \$500,000 for a study of Route 30 improvements from Routes 283 to Route 340; \$5.4 million capital improvement project at Thaddeus Stevens School of Technology; \$120,000 low-interest loan from Pennsylvania Industrial Development Authority to Lancaster News, Inc.; \$100,000 to retrain and find jobs for displaced Playskool workers. Total: \$6,120,000.

The Capital for a Day, based on the grants and promises and total of checks passed out, was \$237,919,251. This does not include the Wilkes-Barre area because I do not have those numbers—an average of \$23.7 million per municipality. There is a discrepancy as far as Democratic areas versus Republican areas—\$149 million to the Democratic areas and Senatorial districts versus \$87 million to Republican areas.

Seven of the ten Capital for a Day events have been in Democratic Senatorial districts. I must say, those who have not considered this may consider doing this in their Senatorial district, because I think it may help you. In fact, if you have a borough or township or village, you should consider doing this. I think my own village, which is about 300 people, should also send an invitation out and, perhaps, see if we can get Capital for a Day in Refton, Pennsylvania. Like they say in Lancaster County, we had better do it before the money is all. There is a lot of money. On the surface there was not too much politics, but underneath, perhaps, we should look a little closer. There were a lot of promises and pledges made, but I guess that is the sign of a good politician.

Senator MELLOW. Mr. President, I guess we have come to expect this type of discussion after Session. I do not believe today was the strong type of political rhetoric that was delivered yesterday and that was also delivered last week, and the week before in previous discussions. I do not think it really could be the strong type of discussion because, if I am not mistaken, news accounts of what did take place in Lancaster, which I realize is not a district controlled by the Democrat Party, was extremely positive. In fact, the Lancaster News comment was, it paid for itself and it is worthwhile. I guess, furthermore, it would be hard pressed for the gentleman from

Lancaster, Senator Armstrong, for whom I have tremendous regard, and difficult for him to be critical since he had the opportunity of traveling with the Governor, not only in a car but also he had the opportunity of traveling by helicopter with the Governor as they surveyed his Senatorial district. He, furthermore, had the opportunity of participating in a check presentation to the Stevens Institute of Technology of somewhere in the vicinity of \$5 million. I guess it depends on, once again, whose ox is being gored, and I do not think Senator Armstrong, himself, would be in a position to be critical of something that, apparently, at that point in time he found and thought to be extremely beneficial for his district. I have to concur with that because there is not any question in my mind that the best politics is good government, regardless of whether you are a Democrat or a Republican. The acid test is not being able to get elected to a public position, because a lot of people have been able to do that, but the real test of success is how well you can govern. It is obvious that in the Senatorial district of the gentleman from Lancaster, Senator Armstrong, he has done an excellent job because he has been successful not only as a politician in his politics, but he has also been successful in doing good government work or he would not have been reelected by an overwhelming majority to his seat, so to that I say congratulations. It is also, Mr. President, a further indication to me that the Governor, obviously, and the Lieutenant Governor are doing an excellent job as they travel throughout the state in conducting a Capital for a Day, because what it does is it removes the ivory tower from Harrisburg and it takes it right into the hinterland, where it really belongs. It is kind, if you will, of a decentralization of government. It serves not only to give people the opportunity of talking to Cabinet Members, of talking to individuals who serve in very important positions in Pennsylvania government, it gives them an opportunity of talking directly to the Chief Executive of the Commonwealth and to the people who work for him. Yes, Mr. President, there are going to be, I believe, two more Capital for a Day programs, or at least one more. It is probably going to be in a rural part of Pennsylvania. All the information that has been submitted to us is the Capital for a Day program has been widely received by Members of the Legislature of both political parties. It has been warmly endorsed and supported by the members of the United States Congress and the Pennsylvania delegation, all 23 strong. Those from both parties have been invited to attend the events, and not one of them in their Senatorial districts or legislative districts decided not to attend the events that took place within their political jurisdiction.

Mr. President, as the newspapers have talked about it, the Reading Eagle called it enlightening and informative. The York Daily Record said, "Governor's visit is good politics and good government." The Lancaster New Era comments included, "The day paid for itself and is worthwhile." The Reading Eagle proclaimed that "leadership of the Governor is evident." If I were one of the 27 Members of the Republican caucus in this Pennsylvania State Senate fearful of what may take place come November of 1990, I guess I would be doing

the same thing as they are doing, trying to attack the credibility of the administration, whether it be on Capital for a Day, whether it be on the economic development, whether it be on fiscal matters we have been hit with so many, many times on the floor of this Senate, or whatever it may be. But the truth of the matter, Mr. President, is that politics is good government, and if it were not for the fact that Governor Casey is perceived politically to be doing an outstanding job, not only in Lancaster County, not only in the rural parts of Pennsylvania, not only in the Democrat parts of Pennsylvania, but, most importantly, in the Republican parts of Pennsylvania, we would not be faced on a continual basis with this type of political rhetoric on the floor of this Senate.

Today I say to Senator Armstrong, congratulations. Congratulations on, once again, bringing up Capital for a Day, congratulations on participating in the program in your district and for traveling around your district with the Governor, congratulations on playing a part in having an institute of technology, which is very important in your area, receive an appropriation of \$5 million, which you supported, and congratulations on playing a very active part in a very important program. Unfortunately, the Members of your political party do not like the program because it has been so highly successful. Thank you very much for the opportunity, once again, of being able to discuss this. I really cannot say what else I have been asked to say by one of my fellow employees, but at least there is nobody here to listen to us, so if you would like to rebut me, I guess I can rebut you. It is only 3:20 p.m. and we can probably go for at least another hour.

Senator LOEPER. Mr. President, I have listened to the Minority Leader's remarks and find them somewhat incongruous. I think what we have seen here on the floor of the Senate, particularly in the last three weeks, is a demonstration of concern by many of our Members as far as the quality, and particularly the funding levels, of various programs and services across this Commonwealth. I have to dispute the gentleman with one particular contention, that we on this side of the aisle are not really concerned about November 1990. We are very confident about November 1990, and that confidence comes from the work that many of us have done, not only back in our districts but also here on the Senate floor, and particularly to discuss the various programs and services we have. I guess, Mr. President, what we have tried to do is to indicate what our concerns are as we move forward into this year of 1990 and approaching November, particularly in light of the fact, as each one of our Members has pointed out, that there have been significant inadequacies as far as the levels of services that have been provided on the local level. Our counties, our school districts and our local units of government are having to raise their own taxes to meet obligations that have been imposed upon them by the state government, and the state is not paying its bills in a timely fashion. But, yet, we hear today on the floor from the gentleman from Lancaster, Senator Armstrong, where we have seen where our administration has gone out for Capital for a Day and distributed hundreds of millions of dollars to various local municipalities,

schools and programs, and I am sure all are worthwhile. But I think, Mr. President, what we are trying to do is to demonstrate a need to put into practice many of the programs we have already authorized and funded on this floor and to make sure that burden is not imposed on our local municipalities and school districts but, rather, that the state pay its obligations.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 1273** and **1518**, with the information the House has passed the same without amendments.

### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1310**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

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

## BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

**SB 1273** and **1518**.

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

## RECESS

The PRESIDENT. In anticipating some further action from the House of Representatives, at the request of the Majority Leader, what we will do at this point, without objection, is recess to the call of the Chair. For that purpose, the Senate will stand in recess.

## AFTER RECESS

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

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

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 648**.

**BILL SIGNED**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

**SB 648.**

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, April 17, 1990, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 5:38 p.m., Eastern Daylight Saving Time.