

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 14, 1990

SESSION OF 1990

174TH OF THE GENERAL ASSEMBLY

No. 57

### SENATE

WEDNESDAY, November 14, 1990.

The Senate met at 11:00 a.m., Eastern Standard Time.

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

### PRAYER

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

Let us pray.

Thank You, God, for all Your gifts of love, especially for those we often overlook.

Thank You for friends, to increase our love for You.

Thank You for enemies, to increase our tolerance.

Thank You for joys and happiness, to strengthen our faith in You.

Thank You for trials and tribulations, to strengthen our trust and perseverance.

Thank You for the times when all goes well, to teach us serenity.

Thank You for the days when things are rough, to teach us patience.

Thank You for our successes, to increase our confidence.

Thank You for our failures, to increase our humility.

Thank You, God, for the "ups" and "downs" of life.

Thank You, God, for the precious gift 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 become too comfortable.

Thank You, God, for being by our side. Help us to bring justice, peace and serenity to this great Commonwealth of Pennsylvania through the laws we pass for the good of all. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 13, 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 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:

November 14, 1990

**HB 2339** — Committee on Banking and Insurance.

**HB 2645** — Committee on Law and Justice.

**HB 2687** — Committee on State Government.

**HB 2725** — Committee on Game and Fisheries.

#### REPORTS FROM COMMITTEES

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

**HB 1549 (Pr. No. 4300)** (Amended)

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951," providing for removal of tenants for drug violations; providing for tenants' access to cable television; and providing for remedies.

Senator PECORA, from the Committee on Local Government, reported the following bills:

**HB 444 (Pr. No. 3941)**

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for powers.

**HB 1361 (Pr. No. 4295)** (Amended)

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code," further providing for completion of improvements; providing for transportation and sewer and water impact fees; and making repeals.

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

**HB 232 (Pr. No. 4298)** (Amended)

An Act providing for the regulation of the production and handling of ice; licensing ice plants; imposing duties on the Department of Environmental Resources; and providing for civil penalties.

**HB 329 (Pr. No. 4299)** (Amended)

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," further providing for proceedings involving contami-

nation or diminution of water supplies; and providing for pollutional discharges and bonds; extending the Emergency Bond Fund to anthracite surface mines; and making an appropriation.

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

**SB 1746 (Pr. No. 2603) (Amended) (Rereported)**

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, establishing a health insurance account to be administered by the Public School Employees' Retirement System; increasing contributions for certain employees; and further providing for investment earnings of the Public School Employees' Retirement Fund.

**HB 235 (Pr. No. 4296) (Amended) (Rereported)**

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding State and local projects in various counties; and making mathematical corrections.

**HB 267 (Pr. No. 3650) (Rereported)**

An Act amending the act of August 24, 1951 (P. L. 1304, No. 315), known as the "Local Health Administration Law," further providing for State grants to county departments of health and to certain municipalities.

**HB 1587 (Pr. No. 4297) (Amended) (Rereported)**

An Act providing loans to municipalities; creating a loan fund; conferring powers upon the Department of Community Affairs; and transferring an appropriation.

### LEAVES OF ABSENCE

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

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

### CALENDAR

#### REPORT OF COMMITTEE OF CONFERENCE

##### BILL OVER IN ORDER

**SB 1163** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

##### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 867 (Pr. No. 2545)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting certain conduct with respect to caves; and imposing penalties.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 867.

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—48

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

### ELECTION OF PRESIDENT PRO TEMPORE FOR THE INTERIM

The PRESIDENT. The next order of business will be the election of an interim President pro tempore as required by Article II, Section 9 of the Constitution of the Commonwealth of Pennsylvania which requires in part, "The Senate shall, at the beginning and close of each regular session...elect one of its members President pro tempore...."

Before taking up nominations for the office of interim President pro tempore, the Chair would suggest, if there is no objection, in the event there is only one candidate for the office, the Chair will dispense with the calling of the roll and ask for a voice vote on the nomination. The Chair hears no objection.

The Chair will now accept nominations for the office of interim President pro tempore.

Senator LOEPER. Mr. President, it is a great honor for me today to place into nomination a gentleman who has served as President pro tempore of this Senate for the past several Sessions. I think, Mr. President, that a gentleman who is to serve in the office of President pro tempore has to exhibit some very special qualities because, essentially, that gentleman presides over the institution of the Senate. I think, Mr. President, the gentleman whom I am about to place in nomination has demonstrated his sincere and keen interest in all the Members of this Senate and this Senate as an institution for the past six years.

Mr. President, it is certainly an honor and pleasure for me to nominate the gentleman from Blair County, the President pro tempore of the Senate of Pennsylvania, the Honorable Robert C. Jubelirer, as the interim President pro tempore of the Senate.

Senator MELLOW. Mr. President, I rise to second the nomination of Senator Jubelirer to serve as the interim President pro tempore. Just this past Monday, Mr. President, we had the opportunity here of conducting a memorial service on behalf of the late Senator Martin L. Murray whom we all know served as the President pro tempore of the Senate for ten years, to be followed by Senator Henry Hager and now to be followed for the past six years by Senator Jubelirer. I believe, Mr. President, the attributes that Senator Jubelirer does bring to the job are those particular types of attributes that are meaningful and the types of things that he must do to get the job done.

Times have changed over the last 20 years from the days of Senator Murray until today. Governing is much more difficult and the operation of the Senate, as an officer, obviously in itself and in the job is much more difficult. I think Senator Jubelirer has done a good job over the past six years and deserves to be renominated to fill the term of interim President pro tempore for the month of December and I wholeheartedly second the nomination by Senator Loeper of Senator Jubelirer for reelection as President pro tempore.

Senator BELL. Mr. President, I think the Senators are too often so involved in politics and legislation that they do not realize the smoothly running operation of this Chamber is the responsibility of the President pro tempore. I have watched Bob Jubelirer very carefully, especially in the last couple of years, because we have had a tremendous change in the Senate, and I am talking about the additional space when the new building was opened up. Those of us who have been fortunate enough to be the outpost of the Senate over in the new building have seen a tremendous amount of work done by the office of the President pro tempore, Bob Jubelirer, in staffing not only this area but revitalizing the old area of the Senate offices. He has done a magnificent job for each and every one of us in this Chamber, in fighting so we have adequate staff, better quarters and, overall, tremendous support, not the least of which is a new print shop, which I believe opened this week. I second with enthusiasm our colleague, Senator Jubelirer, as President pro tempore.

Senator FATTAH. Mr. President, I just also want to stand in support of Senator Jubelirer in returning to his position as President pro tempore of the Senate. He has been, I think, a tremendous leader for the Senate and a friend of mine and has been very supportive over my first two years in the Senate. I just want to stand and offer my support also. I tried to vote for him yesterday in the caucus too, but they did not let me in.

#### NOMINATIONS CLOSED

The PRESIDENT. Are there others wishing to second the nomination? Are there other nominations? If not, the Chair hears none and declares the nominations closed. The candidate for the office of President pro tempore is the Honorable Robert C. Jubelirer of Blair County.

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

The PRESIDENT. The Chair takes pleasure in again declaring Robert C. Jubelirer unanimously elected interim President pro tempore of the Senate of Pennsylvania.

(Applause.)

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

The PRESIDENT. The Chair takes pleasure in appointing the following committee to escort the President pro tempore-elect to the rostrum:

The gentleman from Delaware, Senator Loeper; the gentleman from Lackawanna, Senator Mellow; and the gentleman from Delaware, Senator Bell.

Will the committee proceed to the rostrum with the President pro tempore-elect.

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

The PRESIDENT. The Chair thanks the committee.

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

The PRESIDENT. The Chair announces that the oath of office will be administered to the newly-elected President pro tempore-elect by the Honorable Madaline Palladino, Judge of the Commonwealth Court of Pennsylvania.

The Senate will please rise.

Judge PALLADINO. Senator Jubelirer, may I at the outset offer my congratulations for being reelected by your peers, a signal honor in view of your demonstrated leadership qualities over the last six years—I believe is correct—and I am indeed pleased to be asked to administer the oath.

Will you place your left hand on your Bible and raise your right hand and repeat after me:

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

Congratulations, again.

(Applause.)

#### REMARKS BY THE PRESIDENT PRO TEMPORE-ELECT

The PRESIDENT pro tempore. Judge Palladino, Lieutenant Governor Singel, my distinguished colleagues in the Senate of Pennsylvania, the excellent staff we have here who serve us so well and friends in the gallery who are visiting today, it is indeed once again a great honor to accept your nomination and your election as President pro tempore of the Senate. I have said many times that this is, indeed, for anyone who has ever served here, the greatest honor that could ever be bestowed upon one of our Members. To Senator Loeper, Senator Bell and Senator Mellow, let me express my appreciation for your comments. To Members of both sides of the aisle, for the kind of support that you have given to me, not only today but in the past, I believe, has made this Chamber

and this institution that we call our home, the Senate of Pennsylvania, the very finest of its kind in the nation. It has been my goal and will continue to be to keep it the very finest of its kind in the nation. I think it is important, not only to the Members and the people who work in this building, but to the people of Pennsylvania, that we provide the services, the staff and the technical wherewithal to give the citizens of the Commonwealth the very best that they deserve, and I believe we continue to do that day after day.

To be President pro tempore of the Senate certainly is no small task. The demands on this job are enormous, whether they be from the political end in representing my caucus as the leader of my party in this state as the voice of the loyal opposition, or when I walk into this Chamber when I try to take that mantle away and wear the mantle of the chief administrative officer representing each and every one of you on both sides of the aisle, as I said, to make it the very best that we have to offer. The job is truly, truly demanding. Let me express my appreciation to not only the Members for their cooperation and support, but, as I said before, the staff who work here, the unsung heroes, the people who do such a great job. Let me express my appreciation to each and every one of you who are here in this Chamber today and those of you who are in your offices for a job well done.

My commitment to you is to continue to try to be the very best that you have elected, to justify your confidence, to know that my door is open to each and to every one of you to discuss your problems, whether they be personal problems—and I have done that—or whether they be problems dealing with the office, to follow in the footsteps of my predecessors who have done such an outstanding job, as the gentleman from Lackawanna, Senator Mellow, well noted, the most recent of whom we discussed sadly in his death, the Honorable Martin Murray. But to be able to follow in the footsteps of legends like the Harvey Taylors, the Bob Flemings, the Marty Murrays and the Henry Hagers is, indeed, a challenge that I shall never forget. As I said when I began my remarks, you have honored me greatly here today and I am most grateful for it. I hope you will always feel that as I assume the mantle of this office, that I will always honor you as well. Thank you very much.

(Applause.)

The PRESIDENT. The Chair wishes to thank Judge Palladino for taking her time to come here today to administer the oath of office, and we thank all of those who participated in the brief ceremony.

## CONSIDERATION OF CALENDAR RESUMED

### THIRD CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1112 (Pr. No. 2585)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges required in certain judicial districts.

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

### ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given permission for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations and Senate Bills No. 676 and 983.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2463 (Pr. No. 4288)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 9, 1990 (P. L. 350, No. 80) entitled "Highway Supplement to the Capital Budget Act of 1990-1991," itemizing public highway projects to be constructed by the Department of Transportation, together with the estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed by the Department of Transportation stating the estimated useful life of the projects; and making appropriations.

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

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AMENDED**

**HB 2508 (Pr. No. 4289)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the continuation, operation and administration of the school for indigent orphans known as the Thaddeus Stevens State School of Technology in Lancaster, Pennsylvania in which shall be offered two-year postsecondary vocational-technical education programs; further providing for the factor for educational expenses and aid to small districts; providing for certain equipment grants; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator ARMSTRONG, by unanimous consent, offered the following amendment No. A3945:

Amend Sec. 1, page 8, by inserting between lines 12 and 13:

Section 1913-B. Acquisition and Disposition of Property.—  
The trustees of Thaddeus Stevens State School of Technology shall have the authority to acquire and retain any property, real, personal or mixed, tangible or intangible necessary or desirable for carrying out the purposes of the school, and to sell, transfer and dispose of any property, real, personal or mixed, tangible or intangible or any interest therein at any time acquired by it and to take, demand, receive and possess all moneys, real property and goods which shall be appropriated, given or granted to for the use of the school and to apply the same according to the will of the donors; and by gift, purchase or devise to receive, possess, enjoy and retain forever any and all real and personal estate and funds, of whatsoever kind, nature of quality the same may be, in special trust and confidence that the same, and the profits thereof, shall be applied to and for the use and purpose of endowing the school, and shall have power to receive donations from any source whatever, to be exclusively devoted to the purposes of the school or according to the terms of donation.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator TILGHMAN, by unanimous consent, offered the following amendment No. A4265:

Amend Bill, page 14, by inserting between lines 11 and 12:

Section 5. The provisions of section 212 of the act of July 1, 1990 (P.L. , No.7A), known as the General Appropriation Act of 1990, which relate to the "factor for educational expense" and "small district assistance" are repealed insofar as they are inconsistent with sections 2501(19) and 2502.13 of the act, as amended by section 2.

Amend Sec. 5, page 14, line 12, by striking out "5" and inserting: 6

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE**

Senator O'PAKE. Mr. President, as you know, this is Education Week in Pennsylvania and throughout America, and we are privileged to have in the gallery today a student from the Oley Valley School District who is shadowing me and learning about state government today. Her name is Jennifer Landis and she is here with her mother, Mrs. Bonnie Landis. I would ask that the Chair extend its usual warm welcome to Miss Landis and Mrs. Landis.

The PRESIDENT. Would the guests of Senator O'Pake please rise so we can recognize you and welcome you to the Senate of Pennsylvania.

(Applause.)

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 2556 (Pr. No. 4281)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of (P. L. , No. ), entitled "An act providing for the capital budget for the fiscal year 1990-1991," itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, flood control projects and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Environmental Resources or the Department of Community Affairs, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or

assisted by the Department of General Services, the Department of Transportation, the Department of Environmental Resources or the Department of Community Affairs; stating the estimated useful life of the projects; making appropriations; and making repeals.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 560 (Pr. No. 4272)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing an opportunity for municipalities to purchase real property being disposed of by public utilities engaged in a railroad business.

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

|        |           |             |          |
|--------|-----------|-------------|----------|
| Corman | Jubelirer | Porterfield | Tilghman |
| Dawida | LaValle   | Punt        | Wenger   |
| Fattah | Lemmond   | Regoli      | Williams |
| Fisher | Lewis     | 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 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.

BILL OVER IN ORDER TEMPORARILY

**SB 646** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 965 (Pr. No. 1109)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing fees for evidence of payment of tax.

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

**HB 1220 (Pr. No. 4291)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for the powers and duties of the coroner; further providing for contracts not requiring advertisement and bidding and for bidding on public works by architects and engineers employed by a county; further providing for the tax on hotel room rentals; further providing for appropriations to tourist promotion agencies; and making an editorial change.

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

**HB 1221 (Pr. No. 4292)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for ambulances and coroners; and making an editorial change.

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      | Lincoln     | Rhoades   |
| Andrezski  | Greenleaf | Loeper      | Salvatore |
| Armstrong  | Greenwood | Madigan     | Scanlon   |
| Baker      | Helfrick  | Mellow      | Shaffer   |
| Belan      | Hess      | Musto       | Shumaker  |
| Bell       | Holl      | O'Pake      | Stapleton |
| Bodack     | Hopper    | Pecora      | Stewart   |
| Brightbill | Jones     | Peterson    | Stout     |
| Corman     | Jubelirer | Porterfield | Tilghman  |
| Dawida     | LaValle   | Punt        | Wenger    |
| Fattah     | Lemmond   | Regoli      | Williams  |
| Fisher     | Lewis     | 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 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 1350 (Pr. No. 2553)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the operation of vehicles in funeral processions and for the offense of interruption of a funeral procession.

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      | Lincoln     | Rhoades   |
| Andrezski  | Greenleaf | Loeper      | Salvatore |
| Armstrong  | Greenwood | Madigan     | Scanlon   |
| Baker      | Helfrick  | Mellow      | Shaffer   |
| Belan      | Hess      | Musto       | Shumaker  |
| Bell       | Holl      | O'Pake      | Stapleton |
| Bodack     | Hopper    | Pecora      | Stewart   |
| Brightbill | Jones     | Peterson    | Stout     |
| Corman     | Jubelirer | Porterfield | Tilghman  |
| Dawida     | LaValle   | Punt        | Wenger    |
| Fattah     | Lemmond   | Regoli      | Williams  |
| Fisher     | Lewis     | 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 1379 (Pr. No. 1763)** — The Senate proceeded to consideration of the bill, entitled:

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

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      | Lincoln  | Rhoades   |
| Andrezski  | Greenleaf | Loeper   | Salvatore |
| Armstrong  | Greenwood | Madigan  | Scanlon   |
| Baker      | Helfrick  | Mellow   | Shaffer   |
| Belan      | Hess      | Musto    | Shumaker  |
| Bell       | Holl      | O'Pake   | Stapleton |
| Bodack     | Hopper    | Pecora   | Stewart   |
| Brightbill | Jones     | Peterson | Stout     |

|        |           |             |          |
|--------|-----------|-------------|----------|
| Corman | Jubelirer | Porterfield | Tilghman |
| Dawida | LaValle   | Punt        | Wenger   |
| Fattah | Lemmond   | Regoli      | Williams |
| Fisher | Lewis     | 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 1380 (Pr. No. 1764)** — The Senate proceeded to consideration of the bill, entitled:

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

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      | Lincoln     | Rhoades   |
| Andrezeski | Greenleaf | Loeper      | Salvatore |
| Armstrong  | Greenwood | Madigan     | Scanlon   |
| Baker      | Helfrick  | Mellow      | Shaffer   |
| Belan      | Hess      | Musto       | Shumaker  |
| Bell       | Holl      | O'Pake      | Stapleton |
| Bodack     | Hopper    | Pecora      | Stewart   |
| Brightbill | Jones     | Peterson    | Stout     |
| Corman     | Jubelirer | Porterfield | Tilghman  |
| Dawida     | LaValle   | Punt        | Wenger    |
| Fattah     | Lemmond   | Regoli      | Williams  |
| Fisher     | Lewis     | 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 1381 (Pr. No. 1765)** — The Senate proceeded to consideration of the bill, entitled:

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

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

|        |           |             |          |
|--------|-----------|-------------|----------|
| Corman | Jubelirer | Porterfield | Tilghman |
| Dawida | LaValle   | Punt        | Wenger   |
| Fattah | Lemmond   | Regoli      | Williams |
| Fisher | Lewis     | 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 1573** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1648 (Pr. No. 2256)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), entitled "Municipal Claim and Tax Lien Law," regulating municipal claims and liens.

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      | Lincoln     | Rhoades   |
| Andrezeski | Greenleaf | Loeper      | Salvatore |
| Armstrong  | Greenwood | Madigan     | Scanlon   |
| Baker      | Helfrick  | Mellow      | Shaffer   |
| Belan      | Hess      | Musto       | Shumaker  |
| Bell       | Holl      | O'Pake      | Stapleton |
| Bodack     | Hopper    | Pecora      | Stewart   |
| Brightbill | Jones     | Peterson    | Stout     |
| Corman     | Jubelirer | Porterfield | Tilghman  |
| Dawida     | LaValle   | Punt        | Wenger    |
| Fattah     | Lemmond   | Regoli      | Williams  |
| Fisher     | Lewis     | 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 1715 (Pr. No. 2398)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "Third Class County Assessment Board Law," providing for an alternative board for the assessment and revision of taxes in counties of the third class.

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

BILLS OVER IN ORDER

**HB 1960, 1983 and 2039** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

**HB 2309** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

**HB 2557 (Pr. No. 4273)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for fees for services by the Department of Health, the Department of State and the Pennsylvania Securities Commission; and providing for the validation of certain fees collected by the Department of State.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of Senator SALVATORE, by unanimous consent, offered the following amendment No. A4284:

Amend Title, page 1, line 24, by inserting after "COMMISSION"; further providing for an exception to the requirements for Certificate of Need;

Amend Bill, page 43, by inserting between lines 2 and 3:

Section 4. The act is amended by adding a section to read: Section 2121.1. Additional Exception to Certificate of Need.—Notwithstanding the provisions of the act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act," any health care facility that is an exclusively charitable children's hospital exempt under section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat.3, 26 U.S.C. § 501(c)(3)) and that makes no charges to its patients nor accepts any third-party payments for services provided to its patients shall be exempt from the Certificate of Need provisions of the Health Care Facilities Act and the Department of Health shall not enforce such provisions in the case of such a facility.

Amend Sec. 4, page 43, line 3, by striking out "4" and inserting: 5

Amend Sec. 5, page 43, line 20, by striking out "5" and inserting: 6

Amend Sec. 6, page 44, line 1, by striking out "6" and inserting: 7

Amend Sec. 7, page 44, line 8, by striking out "7" and inserting: 8

Amend Sec. 7, page 44, line 11, by striking out "4" and inserting: 5

Amend Sec. 8, page 44, line 16, by striking out "8" and inserting: 9

Amend Sec. 8, page 44, line 19, by striking out "5, 6, 7" and inserting: 4, 6, 7, 8

Amend Sec. 8, page 44, line 20, by striking out "7" and inserting: 8

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator WILT, by unanimous consent, offered the following amendment No. A4152:

Amend Title, page 1, line 24, by inserting after "COMMISSION": and for contracts by the Secretary of Transportation

Amend Bill, page 43, by inserting between lines 2 and 3:

Section 4. Section 2001.1 of the act, added May 6, 1970 (P.L.356, No.120), is amended to read:

Section 2001.1. Certain Contracts by the Secretary.—The secretary shall enter into all necessary contracts and agreements with the proper agencies of any government, Federal, State and/or political subdivision and/or any private agency and shall do all other things necessary and proper in order to obtain any benefits afforded under the provisions of any act of the United States Congress, the General Assembly of the Commonwealth of Pennsylvania and/or any governing body of any political subdivision of the Commonwealth of Pennsylvania, and also the governing body of any private agency for any purpose connected in any way with the Department of Transportation of the Commonwealth of Pennsylvania. The secretary is authorized to hold the Federal Government harmless from damages due to construction, operation and maintenance of emergency streambank protection projects under section 103(j) of the Water Resources Development Act of 1986 (Public Law 99-662, 33 U.S.C. § 2213(j)) except for damages due to the fault or negligence of the Federal Government or its contractors.

Amend Sec. 4, page 43, line 3, by striking out "4" and inserting: 5

Amend Sec. 5, page 43, line 20, by striking out "5" and inserting: 6

Amend Sec. 6, page 44, line 1, by striking out "6" and inserting: 7

Amend Sec. 7, page 44, line 8, by striking out "7" and inserting: 8

Amend Sec. 7, page 44, line 11, by striking out "4" and inserting: 5

Amend Sec. 8, page 44, line 16, by striking out "8" and inserting: 9

Amend Sec. 8, page 44, lines 19 and 20, by striking out "SECTIONS 5, 6, 7 AND THE SECTIONS REFERRED TO IN SECTION 7," and inserting: Section 1 (section 609-A), section 2 (section 615-A), section 3 (section 618-A(1)(i), (ii), (iv) and (v), (2)(i), (ii) and (iv), (3)(ii), (iii) and (vi), (5), (6), (7), (9)(i), (ii) and (iii), (13) and (14)), sections 5, 6, 7, 8 and this section

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

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

#### BILL OVER IN ORDER

**HB 2617** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have also given permission for the Committee on Appropriations to meet during the Session to consider Senate Bill No. 1825 and House Bills No. 618, 1861, 1903, 1946 and 2199.

### CONSIDERATION OF CALENDAR RESUMED

#### SECOND CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**HB 365 (Pr. No. 4286)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the registration and regulation of solicitations by charitable organizations, professional fundraisers and other solicitors; imposing additional powers on the Department of State and the Office of Attorney General; prescribing civil and criminal penalties; and making a repeal.

Considered the second time and agreed to,

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

#### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

**HB 1038** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

#### BILLS OVER IN ORDER

**HB 8, 68, 243, 250, 251, 464** and **SB 510** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 618 (Pr. No. 4097)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for resident State troopers.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

#### BILL ON SECOND CONSIDERATION

**HB 876 (Pr. No. 4270)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of Game Commission officers; and further providing for hunting on Sunday.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**HB 895** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 898 (Pr. No. 1027)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

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

#### BILL OVER IN ORDER

**HB 1106** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 1176 (Pr. No. 1452)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for the Office of Child Support Legal Advocate.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**SB 1470** and **1510** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL OVER IN ORDER TEMPORARILY

**SB 1711** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 1771 (Pr. No. 2208)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the appointment of an accountant or a firm to audit accounts.

Considered the second time and agreed to,

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

## BILL OVER IN ORDER

**SB 1824** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION  
AND REREFERRED

**SB 1825 (Pr. No. 2582)** — The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of July 2, 1984 (P. L. 553, No. 110), entitled, as reenacted and amended, "Engineering School Equipment Act," further providing for allocation and expenditure of funds and for reporting to the General Assembly.

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

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

**HB 1861 (Pr. No. 4282)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for early intervention services for infants, toddlers and preschool children who qualify; establishing the Interagency Coordinating Council and providing for its powers and duties; and conferring powers and duties upon the Department of Education and the State Board of Education, the Department of Health and the Department of Public Welfare.

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

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

**HB 1903 (Pr. No. 4285)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional judges and for the duties of certain judges.

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

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

**HB 1946 (Pr. No. 4290)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for interpretation and for the quota on the issuance of distributors licenses and retail licenses; providing for price changes for malt and brewed beverages; further providing for privately-owned public golf courses; providing that patrons be required to leave licensed premises at a certain time; authorizing the serving of food after the hour to cease serving liquor or malt or brewed beverages has arrived; prohibiting the consumption of liquor or malt or brewed beverages while tending bar or otherwise serving such beverages; and further providing for administrative law judges, licenses and licensing procedures.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

## BILLS OVER IN ORDER

**HB 2139, 2156, 2284 and 2296** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**HB 2428 (Pr. No. 4093)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for absentee ballots for permanently disabled electors.

Considered the second time and agreed to,

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

## SB 1711 CALLED UP

**SB 1711 (Pr. No. 2542)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 7 of the Second Consideration Calendar, by Senator LOEPER.

## BILL ON SECOND CONSIDERATION AMENDED

**SB 1711 (Pr. No. 2542)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a port district in the southwestern portion of the Commonwealth; establishing the Port of Pittsburgh Commission and providing for its powers and duties; establishing the Port Development Fund; and further establishing the Pittsburgh Regional Intermodal Freight Corporation.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator FISHER offered the following amendment No. A3891 and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 4, by inserting after "PORT": of Pittsburgh

Amend Sec. 4, page 7, line 9, by inserting after "TRUCK": , air freight

Amend Sec. 4, page 7, line 12, by striking out "PORTS" and inserting: port

Amend Sec. 4, page 7, by inserting between lines 13 and 14:

(3) To promote cooperation and common objectives of the Ports of Pittsburgh, Erie and Philadelphia.

Amend Sec. 4, page 7, line 14, by striking out "(3)" and inserting: (4)

Amend Sec. 4, page 7, line 17, by striking out "(4)" and inserting: (5)

Amend Sec. 4, page 7, lines 21 through 23, by striking out all of said lines

Amend Sec. 4, page 8, by inserting between lines 15 and 16:

(4) To evaluate the economic impacts of freight transportation on the region.

(5) To facilitate and promote awareness of new cost-effective technologies for goods movement.

(6) To explore and, when appropriate, implement the creation of major intermodal facilities and upgrade existing facilities.

Amend Sec. 4, page 8, line 16, by striking out all of said line and inserting: (7) To consider and formulate

Amend Sec. 4, page 8, line 17, by inserting after "OF": freight, transportation and related facilities in

Amend Sec. 4, page 8, line 19, by striking out "PROGRAMS" and inserting: entities

Amend Sec. 4, page 8, line 20, by striking out "(5)" and inserting: (8)

Amend Sec. 4, page 8, lines 22 and 23, by striking out "ON" in line 22, all of line 23, and inserting: in the port district.

Amend Sec. 4, page 8, line 24, by striking out "(6)" and inserting: (9)

Amend Sec. 4, page 8, line 27, by striking out "(7)" and inserting: (10)

Amend Sec. 4, page 8, line 29, by striking out "(8)" and inserting: (11)

Amend Sec. 4, page 8, line 30, by striking out "(9)" and inserting: (12)

Amend Sec. 4, page 9, line 1, by striking out "(10)" and inserting: (13)

Amend Sec. 4, page 9, lines 3 and 4, by striking out all of said lines and inserting:

(14) To increase inter-regional and intra-regional freight transportation and goods movement.

Amend Sec. 4, page 9, line 5, by striking out "(12)" and inserting: (15)

Amend Sec. 4, page 9, line 7, by striking out "(13)" and inserting: (16)

Amend Sec. 4, page 9, line 9, by striking out "(14)" and inserting: (17)

Amend Sec. 4, page 9, line 13, by striking out "(15)" and inserting: (18)

Amend Sec. 5, page 11, lines 3 and 4, by striking out "WITH THE COMMONWEALTH, MUNICIPALITIES OR CORPORATIONS"

Amend Sec. 5, page 12, line 11, by inserting after "DISTRICT": upon the determination of the commission

Amend Sec. 5, page 12, line 11, by inserting after "EXISTS": in the port district

Amend Sec. 5, page 12, line 17, by striking out "NATIONAL, STATE AND LOCAL"

Amend Sec. 5, page 13, lines 4 through 6, by striking out all of lines 4 and 5, and "(26)" in line 6, and inserting: (25)

Amend Sec. 5, page 13, line 8, by striking out "(27)" and inserting: (26)

Amend Sec. 5, page 13, lines 9 through 14, by striking out all of lines 9 through 13, and "(30)" in line 14, and inserting: (27)

Amend Sec. 5, page 13, line 17, by striking out "(31)" and inserting: (28)

Amend Sec. 6, page 13, line 26, by inserting after "MATTERS": from the commission

Amend Bill, page 13, by inserting between lines 28 and 29:

#### Section 7. Use of funds.

The commission or corporation shall not use public funds to subsidize any public or private entity so as to create unfair competition with private interests.

Amend Sec. 7, page 13, line 29, by striking out "7" and inserting: 8

Amend Sec. 7, page 14, line 13, by striking out "TEN" and inserting: Eleven

Amend Sec. 7, page 14, line 15, by striking out "nine" and inserting: ten

Amend Sec. 7, page 14, line 16, by inserting after "boundaries": and the Mayor of the City of Pittsburgh

Amend Sec. 7, page 14, line 20, by striking out "Five" and inserting: Four

Amend Sec. 7, page 14, line 22, by striking out "(v)" and inserting: (iv)

Amend Sec. 7, page 15, line 1, by inserting after "DINAMO":

(The Association for the Development of Inland Navigation in America's Ohio Valley)

Amend Sec. 7, page 15, line 2, by striking out all of said line

Amend Sec. 7, page 15, line 13, by inserting after "(5)": and (6)

Amend Sec. 7, page 15, lines 17 through 19, by striking out "The additional appointments by the" in line 17, all of line 18, and "of four years." in line 19

Amend Sec. 8, page 15, line 23, by striking out "8" and inserting: 9

Amend Sec. 9, page 15, line 28, by striking out "9" and inserting: 10

Amend Sec. 9, page 15, line 30, by striking out "SIX" and inserting: three

Amend Sec. 9, page 16, line 3, by striking out "SIX" and inserting: three

Amend Sec. 10, page 16, line 6, by striking out "10" and inserting: 11

Amend Sec. 10, page 16, line 11, by inserting after "commission": and the corporation

Amend Sec. 10, page 16, line 15, by inserting after "PORT": of Pittsburgh

Amend Sec. 11, page 16, line 17, by striking out "11" and inserting: 12

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

## 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:

JUDGE, COURT OF COMMON PLEAS,  
ALLEGHENY COUNTY

October 29, 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 Ward Murphy, Esquire, 211 Olympia Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1992, vice The Honorable John W. O'Brien, resigned.

ROBERT P. CASEY.

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

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

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:

BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD

September 26, 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, Colonel Donald E. McAuliffe, 156 Buttercup Court, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as Brigadier General, Deputy Commander, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General James T. Whitehead, Jr., reassigned.

ROBERT P. CASEY.

BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD

September 26, 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, Colonel Walter L. Stewart, Jr., R. D. 4, Box 155, Bernville 19506, Berks County, Forty-eighth Senatorial District, for appointment as Brigadier General, Assistant Adjutant General, Headquarters, State Area Command, Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General Joseph F. Perugno, re-assigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EDINBORO UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

August 6, 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, Edith Benson, Esquire, 4683 Budd Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EDINBORO UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

September 5, 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, Edwin D. Dombrowski, 825 East 43rd Street, Erie 16504, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Jan K. Brydon, M.D., Erie, resigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EDINBORO UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

October 26, 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, Robert James Kusse, 390 Follett Run Road, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice William C. Schulz, Edinboro, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS

July 25, 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, Alexander E. Molinski, 1525 Mary Drive, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the State Registration Board for Professional Engineers, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

DISTRICT JUSTICE

August 31, 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, Richard J. Russell, Esquire, 435 Pine Street, Johnstown 15902, Cambria County, Thirty-fifth Senatorial District, for appointment as District Justice in and for the County of Cambria, Magisterial District 47-1-03, to serve until the first Monday of January, 1992, vice Julia Rozum, mandatory retirement.

ROBERT P. CASEY.

MAJOR GENERAL, PENNSYLVANIA NATIONAL GUARD

September 26, 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, Brigadier General Adolph P. Hearon, 2796 Spring Valley Road, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as Major General, Air National Guard Assistant to the Commander, Air Force Logistics Command, to serve until terminated.

ROBERT P. CASEY.

MAJOR GENERAL, PENNSYLVANIA NATIONAL GUARD

September 26, 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, Brigadier General James T. Whitehead, Jr., 412 Carlton, Wyncote 19095, Montgomery County, Twelfth Senatorial District, for appointment as Major General, Assistant to the Director, Air National Guard, to serve until terminated.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

June 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, Gerald W. Powers, Ed.D., 56 Avon Avenue, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Steven W. Vargo, Ph.D., Hershey, 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—48

|            |           |             |           |
|------------|-----------|-------------|-----------|
| Afflerbach | Fumo      | Lincoln     | Rhoades   |
| Andrezeski | Greenleaf | Loeper      | Salvatore |
| Armstrong  | Greenwood | Madigan     | Scanlon   |
| Baker      | Helfrick  | Mellow      | Shaffer   |
| Belan      | Hess      | Musto       | Shumaker  |
| Bell       | Holl      | O'Pake      | Stapleton |
| Bodack     | Hopper    | Pecora      | Stewart   |
| Brightbill | Jones     | Peterson    | Stout     |
| Corman     | Jubelirer | Porterfield | Tilghman  |
| Dawida     | LaValle   | Punt        | Wenger    |
| Fattah     | Lemmond   | Regoli      | Williams  |
| Fisher     | Lewis     | 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 WILT. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

HB 2309 CALLED UP

HB 2309 (Pr. No. 3621) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator LOEPER.

## BILL ON THIRD CONSIDERATION AMENDED

**HB 2309 (Pr. No. 3621)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," and regulating an owner's liability for a tenant's bill.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator TILGHMAN, by unanimous consent, offered the following amendment No. A4281:

Amend Title, page 1, line 14, by inserting after "rates,"": further defining "eligible educational institution"; further providing for the general powers and duties of an authority; and

Amend Bill, page 1, lines 17 through 20, by striking out all of said lines and inserting:

Section 1. Section 2(m) of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, added February 8, 1982 (P.L.20, No.10), is amended to read:

Section 2. Definitions.—The following terms whenever used or referred to in this act shall have the following meanings, except in those instances where the context clearly indicates otherwise:

\*\*\*

(m) The term "eligible educational institution" shall mean an independent institution of higher education located in and chartered by, the Commonwealth or a private, secondary school located in this Commonwealth and approved by the Department of Education, which is not a State-owned institution, which is operated not for profit, which is determined by the Authority not to be a theological seminary or school of theology or a sectarian and denominational institution and which is approved as eligible by the Authority pursuant to regulations approved by it.

\*\*\*

Section 2. Clauses (a)(15) and (b)(2)(iv) of subsection A of section 4 of the act, amended June 22, 1990 (P.L.236, No.54), are amended and subsection B is amended by adding clauses to read:

Section 4. Purposes and Powers; General.—A. Every Authority incorporated under this act shall be a body corporate and politic, and shall be for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, projects of the following kind and character and providing financing for insurance reserves.

(a) The Authority shall be for the purpose of acquiring, holding, constructing, financing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, projects of the kind and character described in the following subclauses and for the purpose of providing financing for insurance reserves:

\*\*\*

(15) buildings and facilities for private, nonprofit, nonsectarian secondary schools, colleges and universities, State-related universities and community colleges, which are determined by the Authority to be eligible educational institutions provided that such buildings and facilities shall have been approved by resolution or ordinance adopted by the governing body of the municipality or municipalities organizing the Authority and that the approval does not obligate the taxing power of the governing body in any way;

\*\*\*

(b) This section is subject to the following limitations:

\*\*\*

(2) The purpose and intent of this act being to benefit the people of the Commonwealth by, among other things, increasing their commerce, health, safety and prosperity, and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises, none of the powers granted by this act shall be exercised in the construction, financing, improvement, maintenance, extension or operation of any project or projects or providing financing for insurance reserves which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes. This limitation shall not apply to the exercise of the powers granted hereunder:

\*\*\*

(iv) to hospital projects or health centers to be leased to, or financed with loans to, public hospitals, nonprofit corporation health centers or nonprofit hospital corporations serving the public or to school building projects and facilities to be leased to, or financed with loans to, private, nonprofit, nonsectarian secondary schools, colleges and universities, State-related universities and community colleges, or to facilities, limited as described above, to produce steam or to generate electric power, if each municipality organizing an Authority for such a project shall declare by resolution or ordinance that it is desirable for the health, safety and welfare of the people in the area served by such facilities to have such facilities provided by, or financed through an Authority; nor

\*\*\*

Amend Sec. 2, page 3, line 20, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

## RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber and returning posthaste.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the room at the rear of the Senate Chamber, while we await one or two final amendments, the Senate will be in brief recess.

## AFTER RECESS

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

## SPECIAL ORDER OF BUSINESS

## ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Judiciary to continue their meeting off the floor and consider House Bill No. 1230.

**SPECIAL ORDER OF BUSINESS****GUEST OF SENATOR D. MICHAEL FISHER  
PRESENTED TO SENATE**

Senator FISHER. Mr. President, we have here as a guest of the Senate a young man from my Senatorial District who is working as a guest page for the Senate today, and that is Thomas Nutbrown of Collier Township. Tom is a tenth grader at DeTurksville Valley High School where he is active in a number of activities, and I might also add that Tom's father is the district engineer for PennDOT District 11. We are pleased to have Tom here working with us as a guest page today and I ask that we give a warm welcome to Thomas Nutbrown.

The PRESIDENT. We are delighted to have Tom Nutbrown with us today. Would the Senate please join me in applauding his presence.

(Applause.)

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS**

September 28, 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, Donald Abrey, R. R. 2, Box 291, Wyalusing 18853, Bradford County, Twenty-third Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS**

September 28, 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 W. Brucker, 1092 George Road, Meadowbrook 19046, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of two years and until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS**

September 28, 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, Bernard W. Camins, 321 West Allens Lane, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, 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, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS**

September 28, 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 J. King, 339 Bicker Road, Cabot 16023, Butler County, Twenty-first Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of one year and until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD OF  
CERTIFIED REAL ESTATE APPRAISERS**

September 28, 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, William E. Whitesell, 580 North School Lane, Lancaster, 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of two years and until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 98, approved July 10, 1990.

ROBERT P. CASEY.

**MEMBER OF THE STATE  
BOARD OF NURSING**

July 10, 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, Mary Christine Alichnie, Ph.D., R.N., 15 Yorktown Road, Mountain Top 18707, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Mildred K. Fincke, Allison Park, whose term expired.

ROBERT P. CASEY.



MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

August 3, 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, Theresa A. Durn, 6375 Larch Lane, Macungie 18062, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

DISTRICT JUSTICE

September 28, 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, Shirley Rowe Trkula, 328 Jenny Lynn Drive, Coraopolis 15108, Allegheny County, Forty-second Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-2-25, to serve until the first Monday of January, 1992, vice Walter V. Casasanta, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

June 28, 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, Margaretta G. Horten, 12480 Adams Drive, North Huntingdon 15642, Westmoreland County, Forty-fifth Senatorial District, for appointment as District Justice in and for the County of Westmoreland, Magisterial District 10-2-09, to serve until the first Monday of January, 1992, vice Raymond E. Tubbs, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

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

REPORTS FROM COMMITTEE

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

**SB 676 (Pr. No. 2606) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "abandoned vehicle" and "motor vehicle"; assigning development of high speed intercity rail passenger service to the Department of Transportation; further providing for tire equipment, for bumpers and for promulgation of vehicle equipment standards; and providing for the removal of vehicles abandoned on the Pennsylvania Turnpike System.

**SB 983 (Pr. No. 2549)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the Philadelphia Municipal Court; and adding provisions relating to constables.

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Labor and Industry to meet in the Rules room to consider House Bill No. 2033 and the Committee on Finance to consider House Bill No. 197. Would all members of the Committee on Labor and Industry report to the Rules room immediately.

**SENATE AT EASE**

Senator STAPLETON. Mr. President, Senator Mellow is not here, but it is my understanding that the Democrats want to caucus, a very short caucus, before we take up this bill. May we be at ease for a moment.

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

**CONSIDERATION OF CALENDAR RESUMED**

**SB 646 CALLED UP**

**SB 646 (Pr. No. 2533)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 646 (Pr. No. 2533)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain life-sustaining medical treatment in the event the person is incompetent and is determined to be in a terminal condition or to be permanently unconscious; and providing penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator RHOADES, by unanimous consent, offered the following amendment No. A4222:

Amend Title, page 2, line 13, by inserting after "UNCONSCIOUS;": requiring in certain cases the provision of nutrition and hydration; limiting the power of attorney;

Amend Table of Contents, page 2, by inserting between lines 28 and 29:

Section 12. Nutrition and hydration.

Section 13. Obligation to provide other measures.

Amend Table of Contents, page 2, line 29, by striking out "12" and inserting: 14

Amend Table of Contents, page 2, line 30, by striking out "13" and inserting: 15

Amend Sec. 2, page 18, line 10, by inserting after "UNCONSCIOUSNESS"; , except with respect to the provision of nutrition and hydration

Amend Sec. 4, page 21, line 13, by striking out "MEDICAL" and inserting: life-sustaining

Amend Sec. 4, page 21, line 15, by striking out "NAME AND ADDRESS OF" and inserting:

I understand that my designated surrogate is not authorized to consent to the withholding or withdrawal of artificial nutrition and hydration unless I have provided specific directions. My specific directions to my surrogate in connection with artificial nutrition and hydration are:

Name and address of

Amend Sec. 11, page 24, lines 29 and 30; page 25, lines 1 through 8, by striking out all of said lines and inserting: shall not impair any existing right of a competent individual to consent to or refuse to consent to his or her medical treatment. All other existing rights which a person or health care provider may have regarding the initiation, withholding or withdrawal of life-sustaining treatment shall continue in effect, except as superseded by the provisions of this act.

(b) Power of attorney.—An attorney in fact appointed under a power of attorney shall have no authority to consent to the withholding or withdrawal of nutrition and hydration from the principal who executed the power unless such power of attorney expressly grants such authority to the attorney in fact and specifies the conditions under which such withholding or withdrawal may occur.

Section 12. Nutrition and hydration.

(a) Presumption.—It is presumed that every incompetent person has directed his health care providers to provide him with nutrition and hydration to a degree that is sufficient to sustain life. This presumption shall not apply:

(1) if the incompetent person has a declaration executed pursuant to this act which specifically authorizes the withholding or withdrawal of nutrition and hydration and the person has a terminal condition or is permanently unconscious;

(2) if the incompetent person has a terminal condition or is permanently unconscious and the attending physician knows by clear and convincing evidence, that, the person while competent had made the decision to forego nutrition and hydration or to have nutrition and hydration withdrawn, provided that such decision was clearly expressed and specifically related to the provision of nutrition and hydration;

(3) if, in the reasonable medical opinion of the attending physician, the administration of nutrition and hydration:

- (i) is not medically possible;
- (ii) would itself cause severe, intractable and long-lasting pain to the incompetent person;
- (iii) could not be physically assimilated by the incompetent person; or
- (iv) would cause serious uncorrectable medical complication; or

(4) if, in the reasonable medical opinion of the attending physician, the incompetent person:

- (i) is chronically and irreversibly incompetent; and
- (ii) is in the final stage of a terminal condition and death from the underlying terminal condition is imminent, provided that nutrition and hydration may not be withheld or withdrawn if the incompetent person would die as a result of the deprivation of nutrition and hydration rather than from the underlying terminal condition.

(b) Withdrawal not in accordance with act prohibited.—This act specifically prohibits any person from authorizing the withdrawal or withholding of nutrition and hydration, and any health care provider or other person from withdrawing or withholding nutrition or hydration from an incompetent person except as provided in this act.

Section 13. Obligation to provide other measures.

Nothing in this act shall relieve the physician, health care provider or health care facility of the obligation to provide other measures deemed necessary to provide comfort to a person or to alleviate his pain regardless of whether a person has a terminal condition.

Amend Sec. 12, page 25, line 9, by striking out "12" and inserting: 14

Amend Sec. 13, page 25, line 25, by striking out "13" and inserting: 15

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, this amendment would not allow a surrogate decision-maker to consent to the withholding of or withdrawal of nutrition and hydration from a patient who is not terminally ill and would continue to live but for the loss of their sustenance, unless it was specifically specified by the patient that they want nutrition and hydration withheld. There would be within the amendment at least four exceptions to that rule.

Senator PETERSON. Mr. President, I rise to oppose the amendment that has been offered for the following reasons: I would like to have a little leeway, if I could, to talk about how this process came about. I do not know how many years I have been told, a decade or more, that this General Assembly has been trying to deal with the living will issue. Forty-three states—some say forty-six states—have passed such a statute which simply allows us as citizens to choose what life-sustaining procedures we want utilized when we are in a comatose or vegetative state and will probably never have any kind of normal life again. I want to tell you a little bit more about how we came into the issue. This issue was debated in committee about a year ago and was very controversial in its past form. I was watching a Good Morning America program, I think either in May or June, and they had a panel talking about the living will issue and Arthur Miller, the famous Boston attorney, explained the issue and how most states had passed it. One of the major states that surprised him was Pennsylvania. He felt the reason why we had not passed it was that we had all of these other extraneous issues in the bill that really have nothing to do with the right to have a living will, and because of all of those controversial issues, Pennsylvania would not pass one. He said until they get away from some of that, they will probably never pass one. I find overwhelmingly my constituents in the health care community support a simple living will process. I came back from that television program that morning and said to my staff that I wanted an amendment to the current living will bill that simplifies the process, that does not deal with all these extraneous issues that should really be in other legislation, in a guardianship law most likely, and let us just deal with the right to give people the right to choose certain life sustaining procedures if they are in a comatose or vegetative state.

We worked for months with AARP, the Pennsylvania Nurses Association, the Pennsylvania Department of Aging, the Catholic Conference, the Tressler Lutheran Services, the Philadelphia Bar Association, the Pennsylvania Medical Society, the Pennsylvania Association of Nonprofit Homes, the Hospital Association, the Pennsylvania Council on Aging, the Pennsylvania Bar Association, Coalition for the Rights of the Informed Elderly, Pennsylvania Council of Churches, Methodist Organization, Department of Health, the Pennsylvania Jewish Coalition and the sponsor, the gentleman from Mercer, Senator Wilt.

We included staffs from all four caucuses of this General Assembly—Republican and Democrat, Senate and House—and they all attended these meetings that went on for months. The legislation we have before us, without amendment, is the legislation that all of those groups agreed to. The amendment before us, the first part was explained as clarifying that a surrogate could not choose hydration or nutrition being withdrawn from you. The present bill does not allow that. The present bill does not allow a surrogate that you may determine to take nutrition and hydration away from you unless you marked it on your living will document, so that first part is not needed. The second part that we did not hear too much about puts into this statute rules and regulations on hydration for those who do not have living wills. It would prohibit the medical community, as they do today, from making decisions. It says, if this is implemented, you will receive nutrition and hydration in all cases unless you have a living will, and we know everybody will not have a living will. The statute that we brought before you and we worked so hard over the summer in all the caucuses and with all these organizations, we did not want to get into all of these other arguments, and I am willing and I promised the Catholic Conference that I would deal with this issue in my committee in a bill that deals with the guardianship laws, and that is really where it ought to be. I think to amend this bill with this language, we make it more difficult for our medical providers to make informed medical decisions. I think it is outstandingly clear out there among our seniors that they want the right. I want the right as I approach seniors to tell my health care providers and my family that if I am comatose and vegetative, I do not want certain life sustaining things to happen that will keep my life ongoing when it is not really a life. For these reasons and others, I urge a defeat of the Rhoades amendment because it really does not belong in the living will issue.

Senator DAWIDA. Mr. President, I join in the argument of the gentleman from Venango, Senator Peterson, that while these particular issues and the amendments are meritorious, they do not belong in this bill, and I am going to vote “no,” even though I agree with the concepts in them. When we do guardianship legislation next year, I will be with Senator Peterson in doing that. This is important legislation though, one that is long overdue, and we ought to deal and pass clean living will legislation which deals predominantly, as we well know, with the elderly.

I had a town meeting not too long ago in a senior citizens center. I had 150 senior citizens, the majority of them Catholic, the majority of them pro-life, and I explained this issue in great detail, making it as unattractive as possible. At the end of that meeting I asked, how many of you want a living will as I have presented it? And we got 150 hands out of 150 people. I have never seen an issue with such unanimity of opinion from the senior population. This is something we need for a lot of reasons. We can talk about the health care implications, but really what it comes down to is the right of individuals, particularly the elderly in Pennsylvania, to have some dignity in those last few days of their lives, to have some control over their own choices in their lives. If we do anything to jeopardize that, you have it on your heads that you have kept that from happening. So I am urging a “no” vote on the amendment and a “yes” vote on the bill. Let us do something for our elderly population.

Senator WILT. Mr. President, as the prime sponsor of this legislation and someone who has been involved with it for nearly ten years, I share the embarrassment that I have for Pennsylvania, given the kinds of interactions that the gentleman from Venango, Senator Peterson, had witnessed on TV, and the response, as the gentleman from Allegheny, Senator Dawida, has articulated when you go out among the public. They just are in awe that we in Pennsylvania are without a living will to let people make choices for themselves at a point in time when they are still rational about how they should be treated when they are not well.

The bill simply permits us to have living wills. I heed the right for people to make certain choices. For those who choose not to have a living will, it is status quo, as it is presently. The other thing the bill does is to include with it a simplified form, a model form that may be used to give direction to people about the decisions that can be made. For us to go beyond those purviews starts for us, as the Legislature, to dictate and direct people’s behavior and decisions for their own. I think that is an incorrect thing for us to do as public policy and particularly as a legislative Body.

Senator RHOADES. Mr. President, for a point of clarification, this amendment does not stop living wills. It clarifies to a finer degree when nutrition and hydration can be stopped or cannot be stopped, but it again forces a choice to be made. If there is not any choice, nutrition and hydration will be continued. If you made a choice in your form and said, I do not want nutrition and hydration continued, then it will be taken out—that is on your records—by the procedure outlined in the bill and in the amendment. If you do not mark that but only appoint a surrogate, then you are saying to the surrogate, make the decision. What we are saying is no. If you look at the Cruzan decision the Supreme Court gave us back in August or the summer of this year, it said, “All of the reasons previously discussed for allowing Missouri to require clear and conceiving evidence of the patient’s wishes leaves us to conclude that the state may choose to defer only to those wishes rather than confine the decision to close family members.” I think we can all sympathize and understand, but

the point I am trying to make here is either you define in your living will that you want it or you do not want it. You do not surrogate that to some other person.

#### LEGISLATIVE LEAVES

Senator FUMO. Mr. President, Senator Regoli has been called to his office and I would like to request a temporary Capitol leave for him.

Senator BRIGHTBILL. Mr. President, I would ask for Capitol leaves for Senator Hess, Senator Salvatore, Senator Corman, Senator Bell and Senator Tilghman.

The PRESIDENT. Senator Brightbill asks temporary Capitol leaves for Senator Hess, Senator Salvatore, Senator Corman, Senator Bell, and Senator Tilghman. Senator Fumo requests temporary Capitol leave for Senator Regoli. The Chair hears no objection. The leaves will be granted.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

#### YEAS—16

|           |         |        |           |
|-----------|---------|--------|-----------|
| Armstrong | Loeper  | O'Pake | Rhoades   |
| Bell      | Madigan | Pecora | Salvatore |
| Helfrick  | Mellow  | Punt   | Shaffer   |
| LaValle   | Musto   | Regoli | Stapleton |

#### NAYS—30

|            |           |             |          |
|------------|-----------|-------------|----------|
| Afflerbach | Fisher    | Jubelirer   | Shumaker |
| Baker      | Fumo      | Lemmond     | Stewart  |
| Belan      | Greenleaf | Lewis       | Stout    |
| Bodack     | Greenwood | Peterson    | Tilghman |
| Brightbill | Hess      | Porterfield | Wenger   |
| Corman     | Holl      | Reibman     | Williams |
| Dawida     | Hopper    | Scanlon     | Wilt     |
| Fattah     | Jones     |             |          |

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

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

#### LEGISLATIVE LEAVES

Senator FUMO. Mr. President, I would like to request temporary Capitol leaves for Senator Fattah and Senator Scanlon.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Fattah and Senator Scanlon. The Chair hears no objection. These leaves will be granted.

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

It was agreed to.

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

On the question,  
Shall the bill pass finally?

Senator WILT. Mr. President, as a prime sponsor of this legislation, as I stated before, in excess of ten years and someone who has had more than a passing concern as a previous Chairman of the Committee on Public Health and Welfare, even though it is not very timely by the length of time it has taken us to do it, I think that the passage of this legislation does show some enlightenment by this Body.

Senator DAWIDA. Mr. President, I think we would be remiss if we did not note that in his final days in the Legislature, the gentleman from Mercer, Senator Wilt, deserves a great deal of credit and we ought to put it where it is. Thank you, Roy Wilt, for your great work.

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—46

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

#### NAYS—1

Helfrick

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.

#### RECONSIDERATION OF HB 2617

**HB 2617 (Pr. No. 4294)** — Senator LOEPER. Mr. President, I move to reconsider the vote by which the bill passed over in its order.

The motion was agreed to.

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

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 2617 (Pr. No. 4294)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the disclosure of confidential tax information by certain persons; and regulating storage, consumption and sale of alcoholic beverages between the hours of 2 a.m. and 8 a.m. on unlicensed premises.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of himself and Senator BRIGHTBILL, by unanimous consent, offered the following amendment No. A4315:

Amend Sec. 1 (Sec. 7327), page 2, line 21, by striking out "THEM" and inserting: such person

Amend Sec. 1 (Sec. 7327), page 2, line 26, by striking out "THEM" and inserting: such person

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### HB 1038 CALLED UP

**HB 1038 (Pr. No. 4287)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Second Consideration Calendar, by Senator LOEPER.

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**HB 1038 (Pr. No. 4287)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for collection of money in criminal actions.

Considered the second time and agreed to,

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

#### UNFINISHED BUSINESS

##### REPORTS FROM COMMITTEES

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

**HB 2033 (Pr. No. 4320) (Amended)**

An Act providing for restrooms in facilities where the public congregates; and requiring that restroom facilities be provided for women on an equitable basis.

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

**HB 1230 (Pr. No. 2582)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for access to and disclosure of certain confidential information and for confidential communications with sexual assault counselors.

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. William S. Dembowski and to Mr. and Mrs. Stanley Reymond by Senator Bodack.

Congratulations of the Senate were extended to James Hanley by Senator Dawida.

Congratulations of the Senate were extended to Andrew N. Farnese by Senator Fumo.

Congratulations of the Senate were extended to Orlando Ruggere by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. John Polukis by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Ray Grantz, Mr. and Mrs. James M. Sharrer, Mr. and Mrs. Byron Dinger and to Mr. and Mrs. Francis Hudock by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. William C. Markley, Mr. and Mrs. Howard C. Craig, Mr. and Mrs. Ray Fischer and to Jesse S. Basinger by Senator Stout.

Congratulations of the Senate were extended to Mrs. Ellen Casey by Senator Williams.

#### BILLS ON FIRST CONSIDERATION

Senator STAPLETON. 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:

**HB 232, 329, 444, 1230, 1361, 1549 and 2033.**

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

#### HOUSE MESSAGES

##### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 240** and **1882**.

#### BILLS SIGNED

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

**SB 867, HB 240, 1199 and 1882.**

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate. We still have one more meeting of the Committee on Appropriations in the Rules room, and I would ask that we would recess to keep the desk open. But for the information of the Members, there will be no more votes taken in today's Session.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations and some final items of busi-

ness, the Senate will stand in recess, adjourning later today. But the Chair would remind all the Members that the voting is completed. So for the purpose of some final business, the Senate will stand in recess.

#### AFTER RECESS

**The PRESIDING OFFICER (David J. Brightbill) in the Chair.**

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

#### REPORTS FROM COMMITTEE

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

**SB 1825 (Pr. No. 2582) (Rereported)**

An Act reenacting and amending the act of July 2, 1984 (P. L. 553, No. 110), entitled, as reenacted and amended, "Engineering School Equipment Act," further providing for allocation and expenditure of funds and for reporting to the General Assembly.

**HB 618 (Pr. No. 4322) (Amended) (Rereported)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for resident State troopers.

**HB 1861 (Pr. No. 4282) (Rereported)**

An Act providing for early intervention services for infants, toddlers and preschool children who qualify; establishing the Interagency Coordinating Council and providing for its powers and duties; and conferring powers and duties upon the Department of Education and the State Board of Education, the Department of Health and the Department of Public Welfare.

**HB 1903 (Pr. No. 4285) (Rereported)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional judges and for the duties of certain judges.

**HB 1946 (Pr. No. 4323) (Amended) (Rereported)**

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for interpretation and for the quota on the issuance of distributors licenses and retail licenses; providing for price changes for malt and brewed beverages; further providing for privately-owned public golf courses; providing that patrons be required to leave licensed premises at a certain time; authorizing the serving of food after the hour to cease serving liquor or malt or brewed beverages has arrived; prohibiting the consumption of liquor or malt or brewed beverages while tending bar or otherwise serving such beverages; and further providing for administrative law judges, licenses and licensing procedures.

**HB 2199 (Pr. No. 4324) (Amended) (Rereported)**

An Act providing for motivational boot camps for certain youthful offenders; and providing for selection of participants.

#### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, November 19, 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 2:00 p.m., Eastern Standard Time.