

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, MARCH 23, 1992

SESSION OF 1992 176TH OF THE GENERAL ASSEMBLY

No. 20

### SENATE

MONDAY, March 23, 1992.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

### PRAYER

The Chaplain, Reverend FRANK BERGSTROM, Pastor of Calvary United Methodist Church, Lemoyne, offered the following prayer:

Merciful Father, by whose good providence we share in the costly privileges which are our heritage in this great land, today we climb the world's great altar stairs which slope through darkness up to Thee, and out of the depths of our need for guidance in the issues that face our Commonwealth, we beseech Thee to give us wisdom and lead us in the paths for the good of our people.

When the issues are too difficult for us, may we be driven to Thee for strength in the time of need, for wisdom to rightly interpret the signs of these difficult times in which we live.

May these spokespersons, for the people who in this Chamber serve in the sacred stewardship of public welfare by their dedication buttress the cause of the people throughout our Commonwealth. May citizen and spokesperson be partners with Thee in building Your kingdom here in Pennsylvania.

O God, make us wise enough to give counsel, make us good enough to surrender ourselves to the best.

We ask this in the name of the One whose power and the kingdom and the glory are forever. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Bergstrom who is the guest this week of Senator Hopper.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 18, 1992.

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.

### COMMUNICATIONS FROM THE GOVERNOR

#### APPROVAL OF SENATE BILLS

The PRESIDENT pro tempore laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 166 and 819.

#### HOUSE MESSAGES

##### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 1051, with the information the House has passed the same without amendments.

##### 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:

March 19, 1992

HB 8 — Committee on Urban Affairs and Housing.

HB 266 — Committee on Agriculture and Rural Affairs.

HB 782 — Committee on Environmental Resources and Energy.

HB 1823 — Committee on Public Health and Welfare.

HB 1930 — Committee on Labor and Industry.

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HB 127 — Committee on Public Health and Welfare.

HB 392 — Committee on Local Government.

HB 961 — Committee on Game and Fisheries.

HB 1401 — Committee on Consumer Protection and Professional Licensure.

#### BILLS INTRODUCED AND REFERRED

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

March 18, 1992

Senators GREENLEAF, GREENWOOD, HELFRICK and AFFLERBACH presented to the Chair SB 1626, entitled:

An Act prohibiting the purchase of tropical hardwoods or tropical hardwood products by the Commonwealth; and providing for certain exceptions to the prohibition.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 18, 1992.

Senators GREENLEAF, HELFRICK, LYNCH, RHOADES and AFFLERBACH presented to the Chair **SB 1627**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for the sale of certain containers of malt or brewed beverages by distributors and importing distributors.

Which was committed to the Committee on LAW AND JUSTICE, March 18, 1992.

Senators GREENLEAF, AFFLERBACH and HELFRICK presented to the Chair **SB 1628**, entitled:

An Act requiring containers for collecting glass and aluminum in public areas and places; and imposing a penalty.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 18, 1992.

Senators BAKER, SHAFFER, AFFLERBACH, MELLOW, BELL, GREENWOOD, WENGER, DAWIDA, PUNT, LYNCH, SCHWARTZ, O'PAKE, SHUMAKER, PORTERFIELD, HELFRICK and RHOADES presented to the Chair **SB 1629**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension, revocation or disqualification of operating privilege.

Which was committed to the Committee on TRANSPORTATION, March 18, 1992.

Senators LOEPER, PECORA, GREENLEAF, SHAFFER, MELLOW, LEMMOND, BAKER, MUSTO, MADIGAN, HELFRICK, HART, SALVATORE, PORTERFIELD, RHOADES, SCHWARTZ, JUBELIRER and CORMAN presented to the Chair **SB 1630**, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), entitled, as amended, "Third Class County Assessment Board Law," further defining "catastrophic loss"; and further providing for catastrophic loss valuation.

Which was committed to the Committee on LOCAL GOVERNMENT, March 18, 1992.

Senators PECORA, HOPPER, HART and PORTERFIELD presented to the Chair **SB 1631**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for the business privilege tax on gross receipts.

Which was committed to the Committee on LOCAL GOVERNMENT, March 18, 1992.

Senators WILLIAMS, FUMO, RHOADES, LYNCH, AFFLERBACH and O'PAKE presented to the Chair **SB 1632**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for enforcement.

Which was committed to the Committee on LAW AND JUSTICE, March 18, 1992.

Senator PORTERFIELD presented to the Chair **SB 1633**, entitled:

An Act amending the compact contained in the act of June 5, 1937 (P. L. 1664, No. 348), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and control of the Pymatuning Lake and State owned land surrounding said lake for fishing, hunting, recreational, and park purposes," changing provisions relating to the operation of motor boats.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, March 18, 1992.

Senators TILGHMAN, FISHER, WILLIAMS, LINCOLN, PETERSON, ROBBINS, MADIGAN, O'PAKE, AFFLERBACH, ANDREZESKI, SCANLON, RHOADES, HART, PORTERFIELD, ARMSTRONG, WENGER, SHAFFER, SHUMAKER, PUNT, BORTNER, HELFRICK, SALVATORE, BAKER, PECORA, FUMO, LEMMOND, HOPPER and BRIGHTBILL presented to the Chair **SB 1634**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," exempting vending machine sales of candy and gum from taxation.

Which was committed to the Committee on FINANCE, March 18, 1992.

Senators FISHER, RHOADES, MUSTO, AFFLERBACH, SCHWARTZ, O'PAKE and BELAN presented to the Chair **SB 1635**, entitled:

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads;....," further providing for reimbursement of employees.

Which was committed to the Committee on LABOR AND INDUSTRY, March 18, 1992.

#### March 20, 1992

Senators DAWIDA, FISHER, BELAN, BODACK and HART presented to the Chair **SB 1636**, entitled:

An Act amending the act of April 6, 1956 (1955 P. L. 1414, No. 465), entitled, as amended, "Second Class County Port Authority Act," prohibiting smoking, eating and drinking in certain public conveyances owned or operated by a port authority created under the act; and providing a penalty.

Which was committed to the Committee on LOCAL GOVERNMENT, March 20, 1992.

Senators BELL and LAVALLE presented to the Chair **SB 1637**, entitled:

An Act providing for the establishment of prevailing wages for certain airport employees.

Which was committed to the Committee on LABOR AND INDUSTRY, March 20, 1992.

Senators HART, HELFRICK, HOPPER and PECORA presented to the Chair **SB 1638**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, requiring certain offenders to be tested for the human immunodeficiency virus; providing for the sentence for certain persons convicted of prostitution; and making a repeal.

Which was committed to the Committee on JUDICIARY, March 20, 1992.

Senators GREENLEAF, FISHER, HOPPER, SHAFFER, LAVALLE and GREENWOOD presented to the Chair **SB 1639**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the private placement of certain juveniles and the conversion of the Bensalem Youth Development Center.

Which was committed to the Committee on JUDICIARY, March 20, 1992.

Senators GREENLEAF, FISHER, HOPPER, SHAFFER, LAVALLE and GREENWOOD presented to the Chair **SB 1640**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for youth development centers.

Which was committed to the Committee on JUDICIARY, March 20, 1992.

### RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

March 20, 1992

#### CALLING UPON THE DEPARTMENT OF LABOR AND INDUSTRY TO REVIEW EMPLOYMENT OPPORTUNITIES FOR VETERANS

Senators SCHWARTZ, PUNT, LaVALLE, MUSTO, AFFLERBACH, BELAN, SCANLON, HOPPER, STAPLETON, BRIGHTBILL, HELFRICK, PORTERFIELD, LYNCH, RHOADES, LEWIS, LEMMOND and STOUT offered the following resolution (**Senate Resolution No. 139**), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, March 20, 1992.

#### A RESOLUTION

Calling upon the Department of Labor and Industry to review employment opportunities for veterans.

WHEREAS, Pennsylvania veterans have served their Commonwealth and their nation with honor and distinction; and

WHEREAS, Unemployment continues to be a problem for many veterans, particularly disabled veterans and Vietnam-era veterans; and

WHEREAS, Because of the important contributions veterans have made, our Commonwealth and our nation have a special responsibility to alleviate the problems of unemployed veterans; and

WHEREAS, The Federal Government has promulgated regulations concerning preference and priority in hiring veterans that are to be followed by the Pennsylvania Department of Labor and Industry to increase employment opportunities for veterans; and

WHEREAS, These Federal regulations give priority to qualified veterans in referral to job openings; and

WHEREAS, These Federal regulations give priority to veterans in referral to job training programs; and

WHEREAS, These Federal regulations require preferential treatment be granted to disabled veterans in the provision of local office services; and

WHEREAS, These Federal regulations require the establishment of an information and referral system for veterans regarding services available to veterans through other public and private agencies; therefore be it

RESOLVED, That the Senate call upon the Pennsylvania Department of Labor and Industry to recognize these Federal regulations as a Bill of Rights for Veterans of America's Armed Forces; and be it further

RESOLVED, That the Senate call upon the Department of Labor and Industry to review its practices to determine whether, and insure that, these regulations are being followed in order to promote employment opportunities and improve the quality of life for Pennsylvania veterans.

### GENERAL COMMUNICATION

#### PENNSYLVANIA STATE PLANNING BOARD 1991 ANNUAL REPORT

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

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE GOVERNOR  
Harrisburg

March 17, 1992

The Honorable Robert C. Jubelirer  
President Pro Tempore of the Senate  
292 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

As required by Act 42 of 1989, attached is the Pennsylvania State Planning Board's annual report for calendar year 1991. Copies of this report are also being sent to the Honorable Robert P. Casey, Governor of Pennsylvania and the Honorable Robert W. O'Donnell, Speaker of the House of Representatives.

Sincerely,

JUDITH M. LYNCH  
Chairman  
State Planning Board  
J. JOSEPH CULLEN  
Executive Director  
State Planning Board

The PRESIDENT pro tempore. This report will be filed in the Library.

### BILL SIGNED

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

**SB 1051.**

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session in the Rules room to consider Senate Bills No. 969, 1355, House Resolution No. 267, Senate Resolution No. 136 and certain nominations.

**REPORT FROM COMMITTEE**

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

**HB 1313 (Pr. No. 3306) (Amended)**

An Act providing for Commonwealth support for the Agriculture Education Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees in agriculture to family farms within this Commonwealth.

**BILL IN PLACE**

Senator STAPLETON presented to the Chair a bill.

**LEAVES OF ABSENCE**

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

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

**SENATE CONCURRENT RESOLUTION**

**WEEKLY ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, March 23, 1992.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 30, 1992, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, March 30, 1992, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,  
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

**YEAS—47**

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

**NAYS—0**

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

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR EARL M. BAKER  
PRESENTED TO SENATE**

Senator BAKER. Mr. President, today I would like to introduce four guests from the 19th District who won an award of a day in Harrisburg, lunch with Senator Baker and a tour of the Capitol with Senator Baker. We have completed those activities, and I hope they enjoyed them as much as I did. We are very honored today to have Mr. and Mrs. Louis McCarter and Mr. and Mrs. William Warden, and I would like the Senate to welcome them at this time.

The PRESIDENT pro tempore. Would those guests of Senator Baker who are in the gallery please stand so that we may welcome you and give you our warm welcome.

(Applause.)

**SENATE RESOLUTION**

**RECALLING HB 41**

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, March 23, 1992.

RESOLVED, (the House of Representatives concurring), That House Bill 41, Printer's Number 3189, entitled, "An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as the General County Assessment Law," be recalled from the House of Representatives for the purpose of further consideration by the Senate.

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

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor Majority caucus room, with an expectation of returning to the floor at approximately 3:30 p.m.

Senator FUMO. Mr. President, I would ask all the Democratic Senators to come to our caucus room as well during the recess for the purpose of a Democratic caucus.

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses to take place in their respective caucus rooms, the Senate will stand in recess.

**AFTER RECESS**

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

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

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILL OVER IN ORDER TEMPORARILY**

**HB 222** — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

**BILLS OVER IN ORDER**

**HB 246, SB 496 and HB 749** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL LAID ON THE TABLE**

**HB 758 (Pr. No. 835)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1957 (P. L. 901, No. 399), known as the "Optional Third Class City Charter Law," further providing for the powers and duties of the mayor and of the city manager.

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

**BILL OVER IN ORDER**

**SB 770** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION AMENDED AND LAID ON THE TABLE**

**SB 792 (Pr. No. 844)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing procedures for the consolidation or merger of municipalities other than counties; establishing procedures for allocation of assets and liabilities; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A1014:

Amend Sec. 102, page 3, line 16, by inserting after "city": other than a city of the first or second class

Amend Sec. 102, page 3, line 17, by removing the period after "municipality" and inserting: other than a home rule municipality which would otherwise be a city of the first or second class.

Amend Sec. 204, page 7, line 30, by inserting after "The": same

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 LOEPER. Mr. President, I move that Senate Bill No. 792, as amended, be laid on the table.

The PRESIDENT. Without objection, Senate Bill No. 792, as amended, will be laid on the table.

**HB 222 CALLED UP**

**HB 222 (Pr. No. 3271)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION AMENDED**

**HB 222 (Pr. No. 3271)** — The Senate proceeded to consideration of the bill, entitled:

An Act excluding the sale of recyclable material from political subdivision personal property sale restrictions relating to advertising and bidding.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, by unanimous consent, offered the following amendment No. A1012:

Amend Sec. 2, page 1, line 14, by striking out "A" and inserting: (a) General rule.—Except as provided in subsection (b), a

Amend Sec. 2, page 2, by inserting between lines 5 and 6: (b) Exception.—The exclusion set forth in subsection (a) shall not apply to a contract entered into between a political subdivision and a private entity for the purpose of carrying out a recycling program on behalf of the political subdivision.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**BILL ON THIRD CONSIDERATION AMENDED AND LAID ON THE TABLE**

**SB 1364 (Pr. No. 1592)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 561, No. 112), entitled "Pennsylvania Conservation Corps Act," further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors and for appropriations; and making editorial changes.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

#### MELLOW AMENDMENT I

Senator MELLOW, by unanimous consent, offered the following amendment No. A3188:

Amend Bill, page 14, by inserting between lines 3 and 4:

Section 6. The act is amended by adding a section to read:

##### Section 13.1. Expiration.

This act and the Pennsylvania Conservation Corps shall expire June 30, 1994.

Section 7. Section 2216 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

Amend Sec. 6, page 14, line 4, by striking out "6" 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?

#### MELLOW AMENDMENT II

Senator MELLOW, by unanimous consent, offered the following amendment No. A1008:

Amend Sec. 3 (Sec. 4), page 3, line 10, by striking out the brackets before and after "in work experience projects"

Amend Sec. 3 (Sec. 4), page 3, line 16, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 3, line 19, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 3, lines 26 and 27, by striking out the brackets before "work" in line 26 and after "experience" in line 27

Amend Sec. 3 (Sec. 4), page 4, line 2, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 4, line 7, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 4), page 4, line 28, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 5, line 14, by striking out the bracket before "Work"

Amend Sec. 3 (Sec. 5), page 5, line 14, by striking out "] Projects."

Amend Sec. 3 (Sec. 5), page 5, lines 15 and 16, by striking out the brackets before "work" in line 15 and after "experience" in line 16

Amend Sec. 3 (Sec. 5), page 6, lines 13 and 14, by striking out the brackets before "work" in line 13 and after "experience" in line 14

Amend Sec. 3 (Sec. 5), page 6, line 16, by striking out the bracket before "Work"

Amend Sec. 3 (Sec. 5), page 6, line 16, by striking out "] Projects

Amend Sec. 3 (Sec. 5), page 6, line 26, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 7, line 24, by striking out the brackets before and after "work experience"

Amend Sec. 3 (Sec. 5), page 7, line 26, by striking out the brackets before and after "experience"

Amend Sec. 3 (Sec. 7), page 10, line 13, by striking out the brackets before and after "work experience"

Amend Sec. 4 (Sec. 12), page 13, line 9, by striking out the brackets before and after "work experience"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### MELLOW AMENDMENT III

Senator MELLOW, by unanimous consent, offered the following amendment No. A1009:

Amend Sec. 3 (Sec. 5), page 5, line 26, by striking out "for service will" and inserting: received from fee-for-service projects shall

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### MELLOW AMENDMENT IV

Senator MELLOW, by unanimous consent, offered the following amendment No. A3407:

Amend Sec. 1 (Sec. 2), page 2, line 27, by inserting after "Affairs.": Department of Community Affairs,

Amend Sec. 3 (Sec. 4), page 3, line 24, by inserting after "Affairs.": Department of Community Affairs,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

Senator LOEPER. Mr. President, I move that Senate Bill No. 1364, as amended, be laid on the table.

The PRESIDENT. Without objection, Senate Bill No. 1364, as amended, will be laid on the table.

#### BILL ON THIRD CONSIDERATION AMENDED

**SB 1539 (Pr. No. 1889)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for siting, criteria and limitations for commercial hazardous waste incinerators and impact assessments.

Considered the third time,

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

MOTION TO RECOMMIT SB 1539

Senator MELLOW. Mr. President, I move to recommit Senate Bill No. 1539 to the Committee on Environmental Resources and Energy.

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

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Bodack, Senator Fattah, Senator O’Pake and Senator Scanlon.

Senator LOEPER. Mr. President, I need temporary Capitol leaves for Senator Baker and Senator Robbins.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Bodack, Senator Fattah, Senator O’Pake and Senator Scanlon. Senator Loeper requests temporary Capitol leaves for Senator Baker and Senator Robbins. The Chair hears no objection. Those leaves will be granted.

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

Senator HELFRICK. Mr. President, I would oppose the motion to recommit this bill to the Committee on Environmental Resources and Energy.

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

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

Senator TILGHMAN. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

Senator PUNT. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—21

Andrezski	Fumo	Lynch	Scanlon
Belan	Holl	Mellow	Schwartz
Bodack	LaValle	Musto	Stewart
Bortner	Lewis	O’Pake	Stout
Dawida	Lincoln	Reibman	Williams
Fattah			

NAYS—26

Afflerbach	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Shaffer
Baker	Hart	Peterson	Shumaker
Bell	Helfrick	Punt	Stapleton
Brightbill	Hopper	Rhoades	Tilghman
Corman	Jubelirer	Robbins	Wenger
Fisher	Lemmond		

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

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

Senator SHAFFER, on behalf of himself, Senator RHOADES and Senator PETERSON, by unanimous consent, offered the following amendment No. A0958:

Amend Title, page 1, line 2, by striking out “and” and inserting: , for

Amend Title, page 1, line 2, by removing the period after “assessments” and inserting: and for grants by facility operators for host community review of permit applications.

Amend Sec. 3, page 2, line 29, by inserting after “site.”: The Environmental Quality Board may promulgate any regulations needed to implement this section.

Amend Sec. 4, page 2, line 30, by striking out “Prisons” and inserting: Site limitations

Amend Sec. 4, page 3, line 1, by inserting before “The”:  
(a) Prisons.—

Amend Sec. 4, page 3, by inserting between lines 6 and 7:  
(b) Schools.—The department may not issue a permit for the siting of a commercial hazardous waste incinerator under the Solid Waste Management Act, if the proposed facility site is located within five miles of a school.

Amend Sec. 5, page 3, line 7, by striking out “Siting criteria” and inserting: Soil incinerators

Amend Bill, page 3, by inserting between lines 11 and 12:  
Section 6. Host community review.

(a) Evaluation grant.—The operator of a commercial hazardous waste incinerator that intends to apply for a permit under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, shall make available to the governing body of the host municipality and the host county of any potential sites for the facility a grant of at least \$125,000 each for the purpose of reimbursing the governing bodies for the cost for providing comments on a proposed facility plan and a professional technical review of the permit application and for each 12-month period after the announcement of any proposed facility sites. This provision shall not prohibit the governing bodies and the facility operator from agreeing to provide more funds for these purposes.

(b) Expenditures under grant.—The county and host municipality may expend the grant on legal, engineering and environmental consulting services necessary for providing comments on a proposed facility plan and to conduct a technical review of the permit application. The county and host municipality shall submit a detailed accounting for expenditures made under the grant to the department and the facility operator. The facility operator shall not have the authority to disapprove expenditures made under the grant as long as the funds are expended for eligible costs.

(c) Return of unused funds.—Any funds not expended by the host county or host municipality within the 12-month period shall be returned to the facility operator.

(d) Application of section.—The provisions of this section shall apply to facility operators which announced potential facility sites after January 1, 1990. Grant funds for any 12-month period beginning in 1990 shall be available to the host county and host municipality through July 1, 1992.

Amend Sec. 6, page 3, line 12, by striking out “6” and inserting: 7

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

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I would like to ask for temporary Capitol leaves for Senator Bortner and Senator Lewis.

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

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

Senator MELLOW. Mr. President, I would request a negative vote on the amendment.

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

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

## YEAS—25

Afflerbach	Greenleaf	Leimond	Robbins
Armstrong	Greenwood	Loeper	Salvatore
Baker	Hart	Madigan	Shaffer
Bell	Helfrick	Peterson	Shumaker
Brightbill	Hopper	Punt	Stapleton
Corman	Jubelirer	Rhoades	Wenger
Fisher			

## NAYS—22

Andrezeski	Fumo	Mellow	Schwartz
Belan	Holl	Musto	Stewart
Bodack	LaValle	O'Pake	Stout
Bortner	Lewis	Reibman	Tilghman
Dawida	Lincoln	Scanlon	Williams
Fattah	Lynch		

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

The PRESIDENT. Without objection, Senate Bill No. 1539 will go over in its order, as amended.

## SECOND CONSIDERATION CALENDAR

## BILLS ON SECOND CONSIDERATION

**HB 79 (Pr. No. 1696)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding a definition of "newborn child"; further providing for procedures and other matters relating to adoptions; and providing for certain investigations and reports.

Considered the second time and agreed to,

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

**SB 532 (Pr. No. 1996)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for reciprocity in teacher certification; and making an editorial change.

Considered the second time and agreed to,

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

## BILL OVER IN ORDER

**HB 626** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS REREFERRED

**SB 734 (Pr. No. 1998)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," defining the term "instruction" to include certain activities; and further providing for school times and terms.

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

**SB 741 (Pr. No. 1999)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for agreements to be made by the Department of Education for the purpose of encouraging collaboration between public schools and social service agencies.

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

## BILL OVER IN ORDER

**HB 960** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILLS REREFERRED

**SB 1268 (Pr. No. 2000)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a parent involvement program and for curriculum regulations.

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

**SB 1393 (Pr. No. 1644)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the authorization by the Department of Health of radiation machines used to perform mammography; specifying application and inspection procedures; providing for withdrawal and reinstatement of authorization; and imposing a penalty.

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

**SB 1499 (Pr. No. 1828)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for applications for marriage licenses.

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

## BILL ON SECOND CONSIDERATION

**HB 1970 (Pr. No. 2992)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), referred to as the "Public Eating and Drinking Place Law," providing for certain definitions relating to bed and breakfast home-stead or inn; and further providing for licenses.



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

**BILL OVER IN ORDER**

**HB 2197** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

**AFTER RECESS**

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

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

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

Senator SALVATORE, 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 CHILDREN'S  
TRUST FUND BOARD**

December 9, 1991.

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, Sharon S. Laverdure, Box 5047, R. D. 5, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE PENNSYLVANIA FISH  
AND BOAT COMMISSION**

January 27, 1992.

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, Howard E. Pflugfelder, 7 Crescent Court, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Fish and Board Commission, to serve until the second Tuesday of January, 2000, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**SECRETARY OF HEALTH**

February 14, 1992.

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, Dr. Allan S. Noonan, 1106 Galway Court, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Health, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice N. Mark Richards, M.D., Mount Lebanon, resigned.

ROBERT P. CASEY.

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

January 29, 1992.

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, Curtis D. Copeland, 618 Bluff Street, Bridgeville 15017-2430, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Robert G. Heath, Upper St. Clair, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE MUNICIPAL POLICE  
OFFICERS' EDUCATION AND  
TRAINING COMMISSION**

February 28, 1992.

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 Reutter, 102 North Providence Road, Wallingford 19086, Delaware County, Ninth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1993 and until his successor is appointed and qualified, vice Wayne R. Gilbert, West Chester, resigned.

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

February 11, 1992.

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, Donna Kay Gresh (Public Member), 109 Bungalow Road, Enola 17025, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Optometry, 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, vice Eileen W. Leibowitz, State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

February 11, 1992.

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, Jay B. Tanner, O. D., 146 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Optometry, 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, vice Martin Krauss, O. D., Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE PROFESSIONAL STANDARDS  
AND PRACTICES COMMISSION

February 28, 1992.

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, Clarice L. Chambers, 147 Sylan Terrace, Harrisburg, 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Sharon Brumbaugh, Mingoville, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

February 11, 1992.

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 M. Aichele (Public Member), 150 Buttercup Court, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Psychology, to serve until May 14, 1995 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Nancy Adams Besch, Camp Hill, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

February 14, 1992.

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, Joseph L. French, Ed.D., 544 Kemmerer Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

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

UNFINISHED BUSINESS  
REPORT FROM COMMITTEE

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

**SB 969 (Pr. No. 1953)**

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

RESOLUTIONS REPORTED FROM COMMITTEE

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

**SR 136 (Pr. No. 1994)**

A Resolution commending the underground miners of this Commonwealth for being the first in the Nation to reach the zero fatality goal.

**HR 267 (Pr. No. 3158)**

A Concurrent Resolution designating May 1992 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Biff Walizer and to Jeffrey T. Rose by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Ekas, Albert R. Vish, Wayne Kennedy, Robert Hepner, J. Gerard White, Cindy Gilch, James E. Haug, Mark Edward Scott, Jennifer Miller, Jill Kern, Nicholas M. Smokovich, Tracey Webster and to Michelle L. Suhrie by Senator Hart.

Congratulations of the Senate were extended to Vincent C. White, Paula West and to Brian Leitzel by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond A. Long by Senator Jubelirer.

Congratulations of the Senate were extended to Willis J. Gilpin by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Stan Nelson by Senator Loeper.

Congratulations of the Senate were extended to Edwin B. Mikesell and to the Titusville Chapter of the American Red Cross by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Muskin, Mr. and Mrs. Robert M. Lenhard, Jason Damico, Jeffrey Donati, Adam Gesalman, Bruce Pfeifer, Russell Johnson and to Dan Kurtz by Senator Porterfield.

Congratulations of the Senate were extended to the Polish Community of the Lehigh Valley and to the Greek Community of the Easton Area by Senator Reibman.

Congratulations of the Senate were extended to Paul N. Bard by Senator Shaffer.

Congratulations of the Senate were extended to Keith A. Knepshield, Raymond S. Cursi and to James E. Younkins by Senator Stapleton.

Congratulations of the Senate were extended to Ellen Philp and to Henry Mavrich by Senator Stout.

### **BILL ON FIRST CONSIDERATION**

Senator HOLL. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### **HB 1313.**

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

### **COMMUNICATIONS FROM THE GOVERNOR**

#### **NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE**

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

#### **MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

March 23, 1992.

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, James R. Bender, 1224 Breckenridge Road, Orwigsburg 17961, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Slencak, New Cumberland, whose term expired.

ROBERT P. CASEY.

DISTRICT JUSTICE

March 23, 1992.

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, C. Douglas Loughner, 169 Rhodes Drive, Beaver Falls 15010, Beaver County, Forty-seventh Senatorial District, for appointment as District Justice in and for the County of Beaver, Magisterial District 36-3-02, to serve until the first Monday of January, 1994, vice Ross M. Keefer, Jr., resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

March 23, 1992.

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, Joseph A. Halsey, 566 Main Road, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as District Justice in and for the County of Luzerne, Magisterial District 11-2-03, to serve until the first Monday of January, 1994, vice Robert Chesna, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

March 23, 1992.

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, Henry T. Mavrich, 322 1/2 Wylie Avenue, Strabane, 15363, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Magisterial District 27-3-05, to serve until the first Monday of January, 1994, vice Henry A. Mavrich, resigned.

ROBERT P. CASEY.

#### **CORRECTIONS TO NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE**

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

#### **MEMBER OF THE STATE BOARD OF EDUCATION**

March 23, 1992.

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

Please note the nomination dated March 16, 1992 for the appointment of Dr. E. Peter Benzing, 222 Dilworth Road, Sewickley 15143, Allegheny County, Forty-second Senatorial District, as a member of the State Board of Education, to serve until October 1, 1997 or until his successor is appointed and qualified, vice Nicholas A. Panagoplos, Ed.D., Upper Darby, whose term expired, should be corrected to read:

Dr. E. Peter Benzing, 222 Dilworth Road, Sewickley 15143, Allegheny County, Fortieth Senatorial District, as a member of the State Board of Education, to serve until October 1, 1997 or until his successor is appointed and qualified, vice Nicholas A. Panagoplos, Ed.D., Upper Darby, whose term expired.

**MEMBER OF THE STATE BOARD OF EDUCATION**

March 23, 1992.

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

Please note the nomination dated March 16, 1992 for the appointment of Edna B. McKenzie, Ph.D., 7926 Chaske Street, Verona 15147, Allegheny County, Forty-third Senatorial District, as a member of the State Board of Education, to serve until October 1, 1994 or until her successor is appointed and qualified, vice Elizabeth J. Harper, Monroeville, whose term expired, should be corrected to read:

Edna B. McKenzie, Ph.,D., 7926 Chaske Street, Verona 15147, Allegheny County, Forty-fourth Senatorial District, as a member of the State Board of Education, to serve until October 1, 1994 or until her successor is appointed and qualified, vice Elizabeth J. Harper, Monroeville, whose term expired.

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA**

**COMMITTEE MEETINGS**

TUESDAY, MARCH 24, 1992

- 11:30 A.M. JUDICIARY (to consider Senate Bills No. 606, 1000, 1563 and House Bill No. 1467) Room 8E-B Hearing Room East Wing
- 12:30 P.M. BANKING AND INSURANCE (to consider Senate Bills No. 1302, 1511, 1547 and 1606) Room 461 4th Floor North Wing
- Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 1355 and certain executive nominations) Rules Committee Conference Room

WEDNESDAY, MARCH 25, 1992

- 10:30 A.M. LABOR AND INDUSTRY (to consider House Bill No. 2140) Room 460 4th Floor North Wing

TUESDAY, APRIL 7, 1992

- 10:00 A.M. JUDICIARY (Joint Senate and House Judiciary meeting to accept Annual Report from Crime Commission) Room 8E-B Hearing Room East Wing

**SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1**

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

**SB 1539 (Pr. No. 2030)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for siting, criteria and limitations for commercial hazardous waste incinerators, for impact assessments and for grants by facility operators for host community review of permit applications.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator HELFRICK. Mr. President, this legislation is extremely important to everyone here today and to the constituents we represent. What it does, very simply, is to guarantee the safety of our constituents in case of an accident at a hazardous waste incinerator and hopefully guarantees a safe food supply from the surrounding area of a hazardous waste incinerator. When we enacted a law authorizing the siting of hazardous and nuclear waste disposal sites, we entrusted DER to adopt regulations to ensure safety. Although the general public has little trust in DER, I think DER consciously tries to do a good job. What they said in their regulations is that you cannot have a hazardous waste incinerator less than a mile from an airport. This is very good. There are a great many people concentrated at an airport. DER also stated that an incinerator should not be built within one mile from a school, and again they were right. School children should not be put at risk from the natural fallout from the stacks of an incinerator, or worse yet, from an accident at this potentially dangerous site. DER does not want an incinerator built within a mile of a community park, a hospital, a church, a retail center or nursing home. I thank DER for their good judgment when they adopted these restrictions. We are now safely protected on all aforementioned instances. However, they inadvertently omitted allowing a hazardous waste site to exist within a mile of a prison. They admit this was an error. But I can understand that no one believed that a company would apply for a permit to build a hazardous waste incinerator and haul hazardous waste right next to the largest federal penitentiary in the country.

People temporarily are concerned for their safety when a prison is built where they live, but I think the government has done a good job of convincing people that prisons are safe.

While it is true some prisoners have made daring escapes and have taken local citizens as hostages, the public has accepted this. Now the people in the district of the gentleman from Bradford, Senator Madigan, are scared. The Federal Bureau of Prisons has vigorously opposed this hazardous waste incinerator because they say they could not rapidly and safely evacuate 2,400 prisoners and guarantee the safety of the local population. It is very possible that in their attempt to escape, prisoners could take people hostage during the turmoil that would develop. Again I have people say to me, to hell with the prisoners, they deserve what they get. I do not feel that way myself because some of those prisoners may have only one, two or ten years to serve, and we should not put the prisoners at risk either. They made a mistake and that makes us all mad, but we have no right to condemn them to physical impairment or possibly even death. And for the prisoners with life sentences, the judges, in their wisdom, gave those prisoners sentences, but not the sentence of possible death, or worse, permanent physical damage.

History has or should have taught us that hasty decisions on hazardous substance disposals wreak havoc on people. In Russia hasty decisions on nuclear waste disposal affected 400,000 people who either died or were maimed for life. Little did the Russians dream that a drought and high winds would work together to carry hazardous material for miles and miles, contaminating everything in its path. Death and destruction were everywhere.

Mr. President, I urge all of our Members not to allow a hazardous waste incinerator to be built next to a prison with 2,400 inmates and 650 personnel working there. We may be successful in eliminating hazardous waste, but we could possibly eliminate thousands of people along with it.

Mr. President, DER, in their wisdom, adopted regulations that said you cannot build a hazardous waste incinerator near a water supply, a flood area, wetlands, oil and gas areas, carbonate bedrock areas, national or state parks, lands in public trust, state game lands, state fish lands, exceptional value waters, trout streams, et cetera. I thank DER for that. These exceptions are all part of the law now. We have protected our water supplies, our trees in our forests, our game animals and our game birds, our fish in our waters, but they forgot about our farmers and our future food supply systems.

What this legislation asks is to require the applicant of a hazardous waste incinerator to complete a risk assessment plan of the possible effects the normal day-to-day fallout from the incinerator stack, and the long-term effect emissions from an accident or catastrophe at the site would have on food and agricultural products meant for human and animal consumption surrounding the site.

We ask that before a permit is issued, DER take this risk assessment into consideration. At this time DER has in its possession an application for a proposed hazardous waste incinerator in the district of the gentleman from Bradford, Senator Madigan. This site is not out in the boondocks, but adjacent to Route 15, a main highway between Canada and the Gettysburg battlefields. This proposed plant is to be built

on a beautiful farm and will be surrounded in all directions by dairy and crop farms and will also be very close to some of Pennsylvania's largest food processors. I have been told by Chef Boyardee, Furman Foods and Weis Markets that they will not buy products and milk from the surrounding area because of the possible contamination of the day-to-day operation of a hazardous waste facility near their plants. The stigma of that alone would prove that even if there were little contamination on these farms or in these products, no one would consider purchasing them. It certainly would be unfair to put all these small family farms and individual farms out of business for the sake of solving some other problem. The high profits that the hazardous waste incinerator can generate for their owners and the money and the political influence that people have should not influence our decision to protect our farmers and our food chains and keep Pennsylvania agriculture our number one industry.

The state Chamber of Commerce and the chemical industry are lobbying hard to defeat this legislation, but ten Members and myself of the Senate Committee on Agriculture and Rural Affairs are not about to let this happen. Our first proposal was unanimously voted out of our committee, and this legislation today was also voted out of the Senate Committee on Agriculture and Rural Affairs.

The Chamber and the chemical industry oppose this bill and, as they say, any legislation that would reduce, restrict or limit the safe disposal of hazardous waste. We feel the same way. We agree with them, but their interpretation of safe and ours are two different things. Their interpretation of safe is determined by the profits of the owner of the incinerator at the cheapest cost to those disposing of the hazardous waste. Our job as Legislators is the health, safety and welfare of our constituents, regardless of the cost. Who can put a price on our well-being?

Unfortunately, our family farmers do not make enough money to support the state Chamber of Commerce or to be members of the state Chamber of Commerce. Only the large, wealthy corporations can afford such luxury. Money and influence must not defeat this legislation. A vote in favor of the legislation is a vote for your friendly family farmer and a vote for our number one industry. A nonpartisan vote is needed to show our constituents that politics plays no part when it comes to toying with the lives of our constituents. If you care for Pennsylvania agriculture, if you care for all those family farmers that are adjacent to any of these hazardous waste sites, you will certainly enact this legislation to at least ensure that the farmers and the food processors are safe and have at least some type of financial protection in case of accident or in case their farms are destroyed by the daily fallout and the emissions of a hazardous waste incinerator.

Senator PETERSON. Mr. President, I rise this afternoon to ask my colleagues to support Senate Bill No. 1539 in final passage. I think this is one of the most important measures that we have dealt with in some time in this Body, and we deal with a lot of important measures. There are two things that were just added to this bill a few moments ago as we passed

the Shaffer amendment, and one deals with school children. I would urge you to listen and seriously consider. We do not have a lot of experience on hazardous waste facilities, incinerator facilities. It is a newer technology. It is something we have to deal with. It is something we have to have. But should we be building them within five miles of a school? Our most precious gift we have in life is our children, and this amendment says that it should be at least five miles from a school. If it were your granddaughter, if it were your daughter or son, would you want them to be less than five miles up or down wind to the largest hazardous waste incinerator in this country? There have to be places to build these that are at least five miles from a school where our children are located.

The other issue, if you represent any small communities or townships that are rural—I think the majority of us here at least represent a few small rural townships, or at least have some portion of a rural county in our district—the next portion of the bill that is most important that we think seriously about this afternoon is that it provides a \$120,000 up to \$125,000 grant to the host community. When you are dealing with \$100 million, or whatever it is going to cost to build one of these facilities, should the local township or small rural county be imposed upon to spend \$50,000, \$100,000, \$125,000 or whatever it takes of their own money to make sure that every safety precaution has been taken? No, that should not fall on the backs of a few constituents who just happen to live in that small rural area. I think it is absolutely vital that we provide the funding for the townships, the municipalities and the counties that are going to be the host to these. I urge my colleagues today to vote for Senate Bill No. 1539 because it will allow us to move forward in a cautious manner in which we should in siting these facilities in the Commonwealth of Pennsylvania.

Senator SHAFFER. Mr. President, I rise simply to echo the remarks of the two previous speakers, the gentleman from Northumberland, Senator Helfrick, and the gentleman from Venango, Senator Peterson, and urge a swift passage of Senate Bill No. 1539 as amended. Although the majority of people in this Chamber today are not individually and personally faced with the immediate imposition of a hazardous waste incinerator in their districts, I can assure you that the chances are somewhat likely that over a period of your career you will be faced, if not with this situation, with a very similar situation, and I can assure you, you will then think that it is most appropriate to place a prohibition of a simple five-mile radius to protect our public schools, in fact, schools public or private. Additionally, Mr. President, those Members of this Chamber, particularly those who represent rural Pennsylvania, someday they will come across, if not a hazardous waste incinerator, a similar kind of ecologically or environmentally disruptive project such as this. They will soon find that their small municipalities, their small counties such as the one I represent in Clarion County and the gentleman from Venango, Senator Peterson, used to represent, a county with an entire population of just over 30,000, does not have anywhere near the resources and is not capable of going one-on-

one, toe-to-toe with the large conglomerates that are usually proposing these facilities. Therefore, it is only fair, Mr. President, it is only equitable, and I hope each Member of this Chamber will agree that furnishing the simple sum of \$125,000 to each local county and/or municipality in which these facilities are to be located is an eminently reasonable proposition, and I ask for swift passage of Senate Bill No. 1539.

Senator STAPLETON. Mr. President, I just want to offer my support to the gentleman from Northumberland, Senator Helfrick, the gentleman from Butler, Senator Shaffer, and the gentleman from Venango, Senator Peterson. Certainly, this bill, now that we have Senator Shaffer's amendment added to it, is a much stronger bill and much better bill. The five-mile limit from a school is of most importance. I know that the proposed site in Clarion County in my district is well within that five-mile radius from a school, and that is a very, very serious problem. Funding, as was mentioned earlier by both the Senators, is a key issue also and certainly the impact on the proposed incinerator, as far as food and agriculture products are concerned, is of deep concern to me and the other Senators, and I would certainly be hopeful that we are able to pass Senator Helfrick's bill today.

Senator MADIGAN. Mr. President, I rise in support of Senate Bill No. 1539 in a number of areas as it has been amended, and the original bill offered by the gentleman from Northumberland, Senator Helfrick, and myself, along with others, as far as the siting limitations and agriculture. I would just like to share with you a few quotes from the statements provided at the public hearing on January 15 of this year by the Federal Bureau of Prisons.

“The Bureau of Prisons has been an active member of this community for 40 years, beginning with the opening of the Allenwood Prison Camp. We are now in the process of establishing a correctional complex which, combined with those inmates currently at the prison camp, will house approximately 3,000 minimum, medium and maximum security inmates. Since hearing of the proposal to locate a hazardous waste incinerator in Gregg Township, we have monitored USPCI's application closely. We have done this primarily because of the proposed siting of the incinerator less than one-quarter of a mile from the Allenwood Federal Correctional Complex, a fact which we note that the Pennsylvania Department of Environmental Resources and Energy has agreed to consider as a phase II siting criterion, although Pennsylvania law does not expressly require it to do so.

“In order to obtain technical assistance in assessing USPCI's proposal, the bureau contracted with two consulting firms with experience in hazardous waste siting and incineration to prepare and submit reports on different aspects of USPCI and its proposal. On the basis of the information available to the bureau at this time, we wish to express the following reservations about USPCI's application. We are very concerned about the feasibility of evacuation of the federal correctional complex in the event of an emergency related to the hazardous waste incinerator. If an emergency does occur

and requires evacuation of the complex, the bureau does not believe that it can adequately evacuate this many inmates in a timely and secure manner without endangering prison staff, inmates and the community. In order to evacuate the complex, the majority of the inmates would first have to be secured. Next, we would need sufficient vehicles to transport the inmates. Buses generally only carry 35 inmates per trip. This would entail the use of 85 bus trips just to evacuate the inmate population. Even if the bureau did have sufficient transportation, the next issue would be what egress routes would be available and when and where to place evacuated inmates. Because Route 15 is both a main highway to be used by USPCI's plant and the bureau's main access, any congestion or blocking of this road or adverse weather conditions would create serious restrictions on any evacuation. Assuming that there would be a route available for evacuation, the closest federal institution is in Lewisburg, approximately 30 miles away, which could not house an additional 3,000 inmates. Accordingly, the bureau has serious concerns about the feasibility of effective evacuation of the complex in the event of a hazardous waste accident. Maintaining the good order and control of the federal correctional complex poses an additional difficulty. Unlike free individuals, inmates cannot decide where they want to live. They do not have the choice of moving out of the area if a hazardous waste incinerator is built next to their home. Instead, the Bureau of Prisons is entrusted with their care. Under Section 4001 of Title 13 of the United States Code, the Attorney General is responsible for the control and management of federal correctional institutions and for the care of inmates at these facilities. If the hazardous waste incinerator were built in Gregg Township and an accident did occur, when the inmates learned of the accident they would likely be distressed and, therefore, more difficult to evacuate. This would create the potential for serious disruption at the complex.

"A further area of concern has to do with USPCI's lack of a positive or even any track record with respect to hazardous waste incineration. USPCI does not currently operate a hazardous waste incineration facility, nor does it have any history of managing or operating any facility. The stringent requirements for the engineering design, reporting and record keeping and for the technical operation of a hazardous waste incineration facility must be met in order to ensure that the facility will not cause or contribute to increases in serious health hazards or to the degradation of the environment. We have also reviewed information concerning USPCI's other hazardous waste operations, and it appears that USPCI had numerous managerial and operational violations at other types of hazardous waste disposal sites. USPCI's history of violations at other types of facilities raises some grave concerns about its ability to manage a hazardous waste incinerator properly. The lack of experience of USPCI's designer, Four Nines, with designing and building this type of facility, is also troubling. We have been unable to identify any similar facilities that Four Nines has previously designed and built. Without experience in successfully building such facilities,

there is no track record of Four Nines or USPCI in which we can have confidence.

"In conclusion then, the locating of the hazardous waste incinerator within close proximity to a prison and, in particular, next to a large prison complex housing numerous medium and high security inmates, presents unique problems. The Bureau of Prison's position, on the basis of knowledge and information available to us at this time, is that it is not in the best interests of the Bureau of Prisons, its staff and the inmates to locate a hazardous waste incineration facility adjacent to the federal correctional complex in Gregg Township."

I urge a "yes" vote on this bill.

#### LEGISLATIVE LEAVES

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

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Armstrong and Senator Hopper. The Chair hears no objection. Those leaves will be granted.

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Williams who has been called to his office.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leave for Senator Williams. Without objection, that leave will be granted.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Bodack and his leave is cancelled. As well, Senator Lewis, and his temporary Capitol leave is cancelled.

And the question recurring,  
Shall the bill pass finally?

Senator RHOADES. Mr. President, I rise, also, in support of Senate Bill No. 1539 for very simple, very plain reasons. I have four different operators who want to build four incinerators in my home county and one about five miles away in Carbon County, which is part of my district. That is fine and dandy, you say, because it is not in your district. You do not worry about it. The fact of it is, what this bill offers or affords us is an opportunity to at least ensure our people will be properly protected from any of the fallout or hazardous materials which could escape and do injury. Let me also add to that, too, I have a number of these from Palmerton to McAdoo and throughout the district. I have lived with them and I have listened to the people, and if there is anything right about this bill, it is that the people want this bill because they want to be protected. If we cannot defend their rights, then we do not deserve to be here.

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—21

Afflerbach	Greenleaf	Jubelirer	Robbins
Armstrong	Greenwood	Loeper	Shaffer
Baker	Hart	Madigan	Shumaker
Bell	Helfrick	Peterson	Stapleton
Brightbill	Hopper	Rhoades	Wenger
Fisher			

## NAYS—26

Andrezeski	Fumo	Mellow	Scanlon
Belan	Holl	Musto	Schwartz
Bodack	LaValle	O'Pake	Stewart
Bortner	Lemmond	Punt	Stout
Corman	Lewis	Reibman	Tilghman
Dawida	Lincoln	Salvatore	Williams
Fattah	Lynch		

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

**RECONSIDERATION OF SB 1539**

Senator PETERSON. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1539, Printer's No. 2030, just failed of final passage.

The motion was agreed to.

On the question,

Shall the bill pass finally?

**MOTION WITHDRAWN**

Senator PETERSON. Mr. President, I withdraw my motion for reconsideration of the vote on Senate Bill No. 1539.

**SB 792, SB 1364 AND HB 758  
TAKEN FROM THE TABLE**

Senator LOEPER. Mr. President, I move that Senate Bill No. 792, Printer's No. 2028, Senate Bill No. 1364, Printer's No. 2029, and House Bill No. 758, Printer's No. 835, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The bills will be placed on the Calendar.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, March 24, 1992, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:45 p.m., Eastern Standard Time.