

Legislative Journal

WEDNESDAY, OCTOBER 26, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 81

SENATE

WEDNESDAY, October 26, 1983.

The Senate met at 10:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Henry G. Hager) in the Chair.

PRAYER

The Chaplain, Fr. JOHN A. ACRI, Pastor of St. Francis of Assisi Church, Harrisburg, offered the following prayer:

First, I just wish to thank you for giving me the opportunity to pray with you this week.

Father God Yahweh, You are a very revealing and loving person and we, as human beings, again struggle to understand the mystery of Your will for us. You have created us human and You have given us certain capacities. We gather in Legislatures in community to further Your will for all of our people.

We pray that during this week we have done justice to our people of the Commonwealth and particularly for the legislation we are dealing with, those that specifically affect our senior citizens, that what is done here will be for their betterment and for their enhancement.

We always pray what we do will bring forth the justice that You will and the love You have created us with as we try to share that with each other, particularly through law, and that it again be reasonable, sensible and at the same time realizing it is fallible. Therefore, we ask You for Your guiding spirit.

Please bless this Senate today as they complete this week. May they go home fulfilled with what You want them to do and let them have a feeling of accomplishment and wholeness. We ask You to bless them now and forever. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 25, 1983.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator JUBELIRER, further reading was dispensed with, and the Journal was approved.

LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Street who had to return to Philadelphia yesterday. He is on legislative business and will be on his way back to the Capitol this morning.

Senator SCANLON. Mr. President, I request legislative leaves of absence for the entire day for Senator Andrezeski, Senator Fumo and Senator Singel.

I also request temporary legislative leaves of absence for Senator O'Pake and Senator Zemprelli.

The PRESIDENT pro tempore. The Chair hears no objection and the leaves are granted.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 428**, with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Senate Concurrent Resolution No. 85.

BILL SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the presence of the Senate signed the following bill:

SB 428.

CALENDAR

SPECIAL ORDER OF BUSINESS

HB 822 CALLED UP OUT OF ORDER

HB 822 (Pr. No. 1789) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 822 (Pr. No. 1789) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey a certain lot or tract of land situate in the City of Erie, Erie County, Pennsylvania.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

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

FAMILY OF SENATOR NOAH W. WENGER PRESENTED TO SENATE

Senator WENGER. Mr. President, it is a pleasure for me to introduce a young man who came to join us here this morning from the State of Florida. He is my seven week old grandson and he is in the gallery. He came especially to visit me here in the Senate today. His name is Ian Scott Hertig and he is, of course, accompanied by his mother, Nancy Hertig, who is also my daughter. He is also accompanied by his grandmother, Barbara Wenger, who is also my wife. All three of them are in the gallery.

I would appreciate it if the Senate of Pennsylvania would give a warm welcome to my special guests from the State of Florida.

(Applause.)

The PRESIDENT pro tempore. Senator Wenger's guests are seated so far in the left-hand part of the gallery that they are probably invisible to everybody except those way over on the right-hand side. I can tell you they are visible from here and all of them enjoyed the welcome, especially his grandson who blew kisses to all of you.

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus

to begin immediately in the Rules Committee room at the rear of the Senate Chamber. I also would like to note that the Chairman of the Committee on Banking and Insurance, Senator Holl, has asked that committee to return to its recessed meeting at 11:30 a.m. in Room 461. I hope we can return to the floor rather promptly after the caucus, at approximately 12:00 noon.

Senator ZEMPRELLI. Mr. President, I request the Members of the Democratic caucus to report to the caucus room immediately for the purpose of reviewing the Calendar. We will await a return to the Chamber at the call of the Majority.

The PRESIDENT pro tempore. For the purposes of caucuses to take place in the Rules Committee room and in the Minority caucus room at the rear of the Senate Chamber and for the further purpose of a meeting of the Committee on Banking and Insurance to take place at 11:30 a.m. in Room 461, the Senate is now in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 279 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 632 (Pr. No. 1400) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1955 (P. L. 531, No. 131), entitled "Pennsylvania Athletic Code," regulating kick boxing; further regulating amateur boxing; establishing a State boxing register; providing for medical training seminars; requiring certain emergency medical equipment to be at situs of certain events; further providing for suspension; further defining referee's role in boxing contest; prohibiting tough guy contests or battle of the brawlers contests; and providing a penalty.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 632.

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

The PRESIDING OFFICER (F. Joseph Loeper, Jr.) in the Chair.

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

YEAS—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton

Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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.

LEGISLATIVE LEAVE CANCELLED

Senator O'PAKE. Mr. President, earlier I was granted a temporary legislative leave of absence. I would like the record to reflect the fact I am now on the floor and personally voted on the last bill and I will be here for the rest of the day.

The PRESIDING OFFICER. The record will so indicate.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

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

HB 690 (Pr. No. 2037) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for bids for purchases; further providing for exceptional children, for reimbursements for certain special education services and for the performance of maintenance.

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 **PRESIDENT pro tempore (Henry G. Hager) in the Chair.**

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

YEAS—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger

Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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.

PREFERRED APPROPRIATION BILL LAID ON THE TABLE

SB 983 (Pr. No. 1218) — The Senate proceeded to consideration of the bill, entitled:

An Act making additional appropriations to the Department of Public Welfare for the provision of community-based services and residential services for the mentally retarded.

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

BILL ON THIRD CONSIDERATION AMENDED

HB 6 (Pr. No. 409) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for the transfer of employer contributions to certain other public pension systems.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

STAUFFER AMENDMENT

Senator STAUFFER, by unanimous consent, offered the following amendment:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting:

Amending the act of August 26, 1971 (P.L.351, No.91), entitled "An act providing for a State Lottery and administration thereof; authorizing the creation of a State Lottery Commission; prescribing its powers and duties; disposition of funds; violations and penalties therefor; exemption of prizes from State and local taxation and making an appropriation," providing property tax or rent rebates to certain senior citizens, widows, widowers and permanently disabled persons with limited incomes; authorizing grants for health care needs of the elderly; providing for payment of expenses and grants of the Department of Aging; providing payments for long-term care of senior citizens eligible for services through the State Medical Assistance Program; and making repeals.

Amend Bill, page 1, lines 6 through 17; page 2, lines 1 through 6, by striking out all of said lines on said pages and inserting:

Section 1. Sections 2 and 6(a)(11) of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, amended October 17, 1980 (P.L.1088, No.184), are amended to read:

Section 2. Statement of Purpose.—This act is enacted to establish a lottery to be operated by the State, the net proceeds of which are to be used after June 30, 1972 for the purposes of pro-

viding property tax and rent relief for the elderly for taxes paid in 1971 and thereafter to persons sixty-five years of age or older [and], certain widows, widowers, and disabled persons, for providing certain free fixed route local transit services to persons sixty-five years of age or older and reduced fare on group ride transit service to persons sixty-five years of age or older for health care grants for the elderly, for payments of grants and expenses of the Department of Aging, for payments for long-term care of senior citizens over sixty-five years of age eligible for services through the State Medical Assistance Program. It is further intended to provide a means through which to curb illegal gambling operations in Pennsylvania.

Section 6. Powers and Duties of the Secretary of Revenue.—(a) In addition to the powers and duties provided by law and "The Administrative Code of 1929," the Secretary of Revenue shall have the power and it shall be his duty to operate and administer the lottery, and to promulgate rules and regulations governing the establishment and operation thereof, including but not limited to:

(1) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among (i) the payment of prizes to the holders of winning tickets or shares; (ii) the payment of costs incurred in the operation and administration of the lottery, including the expenses of the division and the costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials; (iii) [for the repayment of the moneys appropriated to the State Lottery Fund pursuant to section 16 of this act; and (iv) for property tax relief and free or reduced fare transit service for the elderly as provided in section 12 of this act: Provided, however, That no less than thirty per cent of the total revenues accruing from the sale of lottery tickets or shares shall be dedicated to subclause (iv) above] for providing property tax or rent rebates as provided in section 16.1; (iv) for payment of the expenses of the Department of Aging and for grants to area agencies on aging for services to older persons; (v) for providing health care grants for the elderly as provided in section 16.2; (vi) for free or reduced fare transit service for the elderly; and (vii) payments for the medical assistance services.

Section 2. Section 12 of the act is repealed and a section is added to read:

Section 12. Disposition of Funds from Sale of Tickets or Shares.—(a) All moneys in the State Lottery Fund shall be appropriated for the following purposes and in the following priority:

(1) For payment of prizes to the holders of winning lottery tickets or shares but the amount so used shall not be less than forty percent of the amount of tickets or shares sold.

(2) For the expenses of the department in administering this act.

(3) For property tax and rent rebates.

(4) For reduced fare transit service for the elderly.

(5) For the expenses of the Department of Aging and for grants to area agencies on aging for services to older persons.

(6) For long-term care for individuals over sixty-five years of age eligible for services through the State Medical Assistance Program not to exceed \$100,000,000 per year.

(7) For health care grants for the elderly not to exceed \$140,000,000 per year.

(b) The moneys in said State Lottery Fund are hereby appropriated:

(1) For the payment of prizes to the holders of winning lottery tickets or shares.

(2) For the expenses of the division in its operation of the lottery.

(3) For property tax and rent rebates, free or reduced fare transit service for the elderly, for health care grants for the elderly, for expenses of the Department of Aging and for grants to area agencies on aging for services to older persons in such amount as may be approved by the General Assembly and for long-term care of senior citizens over sixty-five years of age eligible for services through the State Medical Assistance Program as provided in this section.

Section 3. Section 16 is repealed and the act is amended by adding sections to read:

Section 16.1. Property Tax and Rent Rebate.—(a) The amount of any claim for property tax rebate or rent rebate in lieu of property taxes for real property taxes or rent due and payable during the calendar year 1983 and thereafter shall be determined in accordance with the following schedule:

Taxes	Percentage of Real Property	
	Household Income	or Rent Rebate in Lieu of Property Taxes Allowed as Rebate
\$ 0 - \$4,999		100%
5,000 - 5,999		80
6,000 - 6,999		60
7,000 - 7,999		40
8,000 - 8,999		20
9,000 - 11,999		10

(b) No claim shall be allowed if the amount of property tax or rent rebate computed in accordance with this section is less than ten dollars (\$10), and the maximum amount of property tax or rent rebate payable shall not exceed five hundred dollars (\$500).

(c) No claim shall be allowed if the claimant is a tenant of an owner of real property exempt from real property taxes.

(d) If a homestead is owned or rented and occupied for only a portion of a year or is owned or rented in part by a person who does not meet the qualifications for a claimant, exclusive of any interest owned or leased by a claimant's spouse, or if the claimant is a widow or widower who remarries, or if the claimant is a permanently disabled person who is no longer disabled, the secretary shall apportion the real property taxes or rent in accordance with the period or degree of ownership or leasehold or eligibility of the claimant in determining the amount of rebate for which a claimant is eligible. A claimant who receives public assistance from the Department of Public Welfare shall not be eligible for rent rebate in lieu of property taxes during those months within which he receives public assistance.

(e) Rent shall not include subsidies provided by or through a governmental agency.

(f) All claims must be filed with the secretary by June 30 of the year subsequent to the calendar year in which real property taxes or rent were due and payable. Only one claimant from a homestead each year shall be entitled to the property tax or rent rebate. If two or more persons are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the secretary shall determine to whom the rebate is to be paid.

(g) Each claim shall include reasonable proof of household income, the size and nature of the property claimed as a homestead and the rent or tax receipt or other proof that the real property taxes on the homestead have been paid or rent in connection with the occupancy of a homestead has been paid. If the claimant is a widow or widower, a declaration of that status in such manner as prescribed by the secretary shall be included. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability under this act. No person who has been found not to be disabled by the Social Security Administration shall be granted a rebate under this section. A claimant not covered under the Federal

Social Security Act shall be examined by a physician designated by the secretary and such status determined using the same standards used by the Social Security Administration. It shall not be necessary that the taxes or rent were paid directly by the claimant if the rent or taxes have been paid when the claim is filed. The first claim filed shall include proof that the claimant or his spouse was age sixty-five years of age or older or fifty years of age or older in the case of a widow or widower during the calendar year in which real property taxes or rent were due and payable.

(h) Whenever on audit of any claim the secretary finds the claim to have been incorrectly determined, he shall redetermine the correct amount of the claim and notify the claimant of the reason of the redetermination and the amount of the corrected claim.

(i) A committee consisting of the secretary, the Secretary of Aging and the Secretary of Community Affairs shall promulgate any necessary rules and regulations. The Secretary of Aging shall serve as the chairman of the committee.

(j) The secretary shall receive all applications, determine the eligibility of claimants, hear appeals, disburse payments and make available suitable forms for the filing of the claim.

(k) As used in this section:

(1) "Claimant" shall mean a person who files a claim for property tax rebate or rent rebate in lieu of property taxes and was sixty-five years of age or older, or whose spouse (if a member of the household) was sixty-five years of age or older during a calendar year in which real property taxes or rent were due and payable or was a widow or widower and was fifty years of age or older during a calendar year or part thereof in which real property taxes or rent were due and payable or was a permanently disabled person eighteen years of age or older during a calendar year or part thereof in which real property taxes or rent were due and payable.

(2) "Homestead" shall mean a dwelling, whether owned or rented, and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, occupied by a claimant. A homestead shall also include premises occupied by reason of ownership or lease in a cooperative housing corporation, mobile homes which are assessed as realty for local property tax purposes and the land, if owned or rented by the claimant, upon which the mobile home is situated, and other similar living accommodations, as well as a part of a multidwelling or multi-purpose building and a part of the land upon which it is built. It shall also include premises occupied by reason of the claimant's ownership or rental of a dwelling located on land owned by a nonprofit incorporated association, of which the claimant is a member, if the claimant is required to pay a pro rata share of the property taxes levied against the association's land. It shall also include premises occupied by a claimant if he is required by law to pay a property tax by reason of his ownership or rental (including a possessory interest) in the dwelling, the land, or both. An owner includes a person in possession under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common or by reason of statutes of descent and distribution.

(3) "Household income" shall mean all income received by the claimant and his spouse while residing in the homestead during the calendar year for which a rebate is claimed.

(4) "Income" shall mean all income from whatever source derived, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal or any state government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen's compensation and the gross amount of

loss of time insurance benefits, life insurance benefits and proceeds (except the first five thousand dollars (\$5,000) of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars (\$300), but shall not include surplus food or other relief in kind supplied by a governmental agency or any rebate or grant paid out of the State Lottery Fund.

(5) "Permanently disabled person" shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely, except as provided in subsections (c) and (d).

(6) "Real property taxes" shall mean all taxes on a homestead (exclusive of municipal assessments, delinquent charges and interest) due and payable during a calendar year.

(7) "Rent rebate in lieu of property taxes" shall mean twenty percent of the gross amount actually paid in cash or its equivalent in any calendar year to a landlord in connection with the occupancy of a homestead by a claimant, irrespective of whether such amount constitutes payment solely for the right of occupancy or otherwise.

(8) "Widow or widower" shall mean the surviving wife or the surviving husband, as the case may be, of a deceased individual and who has not remarried except as provided in subsections (c) and (d).

Section 16.2. Health Care Grants for the Elderly.—

(a) The amount of the health care grant for the elderly for the fiscal year ending June 30, 1983 and each fiscal year thereafter shall be determined in accordance with the following schedule:

Units	Household Income	Number of Grants
	\$ 0 - \$4,999	10
	5,000 - 5,999	8
	6,000 - 6,999	6
	7,000 - 7,999	4
	8,000 - 8,999	3
	9,000 - 11,999	2

(b) The secretary shall on or before January 1, 1984 for the fiscal year ending June 30, 1983 and July 15, 1984 for the fiscal year ending prior to that date and July 15 of each year thereafter certify the unallocated surplus in the fund. One hundred forty million dollars (\$140,000,000) or such lesser amount as may be certified as available is hereby allocated for distribution as health care grants for the elderly.

(c) The amount of each grant unit shall be determined by dividing the amount certified in subsection (b) or one hundred forty million dollars (\$140,000,000) whichever is less by the total number of grant units from approved claims. The quotient shall be the value of one grant unit.

(d) Where a household contains more than one qualifying person, the number of grant units shown in subsection (a) shall be multiplied by 1.5. No more than one claim shall be submitted per household.

(e) All claims must be filed with the secretary by February 28, 1984 for grants relating to the fiscal year ending on June 30, 1983 and by June 30 for fiscal years ending thereafter for which a claim is being made. Each claim shall include reasonable proof of the eligibility of the claimant. The secretary shall make available forms for the filing of claims for health care grants for the elderly, receive claims, determine the eligibility of claimants and disburse payments. The secretary shall disburse payments by May 1, 1984 for claims for the fiscal year ending June 30, 1983 and by the first day of October following the filing of the claim for fiscal years thereafter.

(f) As used in this section:

(1) "Claimant" shall mean a person who has filed a claim for a health care grant for the elderly.

(2) "Household income" shall mean all income received by the claimant and any other qualifying person living in the same residence during the calendar year prior to the grant payment due date. In any case, this term includes income received by the spouse of the claimant while living in the same residence as the claimant during that calendar year.

(3) "Income" shall mean income as defined in section 16.1.

(4) "Qualifying person" shall mean a person who during the calendar year (i) was sixty-five years of age or older; or (ii) was a widow or widower and was fifty years of age or older.

Section 16.3. Petitions for redeterminations, review and appeals by claimants under sections 16.1 and 16.2 shall be considered as provided in sections 11.1, 11.2 and 11.3 of the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act.

Section 4. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11.4 of the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, are repealed. Section 302 of the act of July 21, 1983 (No.7A), known as the Supplemental General Appropriation Act for Fiscal Year 1983-1984, is repealed.

Section 5. This act shall take effect January 1, 1984.

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, we are about to deal with a very, very important legislative topic which has been the source of a great amount of discussion for several months. I hope the Members of the Senate will see fit to pay some extra special attention to this debate because I believe this is a very important issue. I also hope the Members pay attention in order to have a full understanding of the proposal I have laid before the Senate in the form of the amendment that was just introduced.

Mr. President, when we considered the budget for the current fiscal year, the issue of Lottery Funds was a topic of very serious discussion. One of the agreements made in the passage of the budget this year was that we would enact a program of health care benefits for senior citizens in the amount of \$100 million. That was a commitment we made and the commitment we are going to deal with today. There were some who suggested the way to honor that commitment would be to put in place a program providing prescription drug assistance to senior citizens.

There are many of us in the Senate who feel, and have felt all along, there is no reason the honoring of our commitment should be so narrow as to only provide assistance for those who need prescription drugs and there are many, many other health care needs which senior citizens not only need assistance in filling, but deserve assistance in filling. With that in mind, the amendment before the Senate at this time provides for a grant program so every single eligible senior citizen in this Commonwealth who wants to participate in the program can have not only prescription drug assistance but can also have other health care needs met, whether they be in the form of bandages, braces, a wheelchair, eye glasses, hearing aids or fuel for the home because, after all, we know in the dead of winter one of the most desperate needs can be fuel for the home.

Mr. President, have the Members thought about the need for gasoline for their automobiles so the senior citizens can get

to the doctor's office? Some of our urban areas have transit systems that can help provide this but, of course, there are many, many areas in this Commonwealth where needs like that are unmet.

Another advantage, Mr. President, in dealing with this commitment in the form of a grant program is the fact that in so doing, we hold the administrative costs of the program to the bare minimum. In so doing, we are able to disburse to the senior citizens the maximum amount of dollar assistance. I might add, Mr. President, that is a very significant figure and one that should not be overlooked by the Members in considering the issue before us today because if we use the most minimal, and what I believe to be, based on the experience in other States, unrealistic administrative costs that have been talked about as the debate has raged on this program, we are talking about millions of dollars which are being taken away from senior citizens aid in order to pay administrative costs.

Under a grant program structured the way the amendment before us is structured, we would use the administrative mechanism of the senior citizens property tax rebate and rent rebate program which is already in place in the Commonwealth and, of course, which is the basic program and the priority program we have established in this General Assembly and which has been in effect for many years. In so doing, Mr. President, we would provide assistance to every senior citizen from an income of \$0 up to \$12,000 a year for those who wish to apply. In so doing, we can provide aid to all of our senior citizens. By using the scale of assistance we have already in place in the law and repeating it for this program, we can provide a benefit for the most needy senior citizens, the lowest income category of people in this Commonwealth and it will amount to something approximating \$400 a year for an individual and \$600 for a household couple.

Mr. President, in the year 1984, because we are just at the end of this year getting the program underway, we can make two grants to the people. We can place a grant in their hands by May 1st of next year in the amount of \$400 or \$600 for these most needy people and we can give them another \$400 or \$600 by October 1st of next year. In the year 1984, the most needy senior citizens in this Commonwealth can have assistance of anywhere from \$800 to \$1,200 and still keep us right within the limits of the amount we know is available and the amount we have agreed can be made available for this kind of program.

For the average claimant, Mr. President, it would be \$273 for an individual and something approximating \$409 for a couple. A very significant bit of aid that can be used for prescriptions, for fuel oil, for cordwood if it is needed, for bandages, for braces, for wheelchairs, for eye glasses, hearing aids, whatever the health need is. It boggles my mind to understand why every Member could not be supportive of a program that is going to provide aid for every senior citizen for whatever his health need would be, rather than us trying to sit here and determine that everyone's priority, whether they are ill or not, must be prescriptions.

Mr. President, I would point out that, in my judgment, it is unfair for this Legislature to try and differentiate between senior citizens of the same income levels by determining that one who has a need will be helped while another with a different need, but an equally important need, will be left to suffer.

Mr. President, this is a program which is doable. It is one that can be continued into the future, year after year, without any danger of our Lottery Fund being wiped out as is the case under other programs which have been talked about. It would be a sound assurance to our senior citizens' community that on an annual basis they will have a health care benefit provided to them.

On that basis, Mr. President, I believe it is a program we could be proud of and that would be hailed and accepted by our senior citizens with great joy and one that will aid the maximum number of people to the maximum ability of this General Assembly. I might add, rather than be guessing what the future of the lottery may be as we deal with the realities of the lottery situation in the future, if we find the performance is equal to the predictions of some or surpasses the predictions of others, the General Assembly would be in a very good position to even increase this program if the funding warranted that we do so. Regardless of what the future would hold, we would know we can put in place right now a program that will provide very substantial assistance to our senior citizens and one that will continue to be available for as far into the future as one can imagine. Mr. President, I ask for an affirmative vote.

Senator BELL. Mr. President, until I heard the gentleman from Chester, Senator Stauffer, in caucus and now, I was only going to vote for the \$4.00 prescription drug bill. Since then I have checked, and it is my recollection that the Secretary of Revenue said the lottery earned about \$90 million in two months. This means well over \$500 million this year—\$540 million or so. Since I am not in the leadership and do not have access to the confidential data, I am of the opinion there is money enough to pay for both programs and I am going to vote for both of them.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair would like to note the presence of Senator Street, Senator O'Pake and Senator Zemprelli on the floor and their legislative leaves of absence will be cancelled.

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I request a temporary legislative leave of absence on behalf of Senator Scanlon who had to leave for legislative business. He hoped to be here for this vote. I have also been advised by Senator Romanelli that he will be voting on the issue that is before us now and then he will be leaving. I will, therefore, request a legislative leave of absence for him now to be projected to that time.

The PRESIDENT pro tempore. The Chair hears no objection and the leaves are granted.

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

Senator ROCKS. Mr. President, I rise in opposition to the amendment that has been offered by the gentleman from Chester, Senator Stauffer. While I have very little doubt the amendment in front of us, as so gloriously described, is very well intended, I would like for a moment to deal with a little bit of reality.

Mr. President, for a number of years many of us in both Chambers of this General Assembly have fought hard to reach the point where we would have a paid prescription program in Pennsylvania. What the gentleman is offering today is far removed from that concept. What I would like to do for my colleagues in the Senate, if I could, is give them the briefest profile of those older persons whom I represent in the Fourth District of the Senate of Pennsylvania and maybe a few of the Members can relate to this.

A senior citizen in my district, which I would, I guess, describe as a middle class district, albeit all in the City of Philadelphia, have worked a lifetime for some small pension. They ordinarily have a Social Security check to accompany that. Those older Pennsylvanians pay their taxes very conscientiously. More than anyone else they have been the victims of rapidly rising utility costs. They attempt to have some small amount of insurance coverage; if it is a married couple, on one another; if it is an individual, on themselves, for the purposes of dying and for what would be their major medical expenses. Mr. President, that older Pennsylvanian is realizing for any prolonged illness or on a monthly basis a prescription cost, that when it gets tough for them on their fixed income, the first thing they eliminate by way of expenses is their own prescription need. I have heard that story over and over for the five elected years I have spent in this State and in that district, and I think many of the other Members have heard it. I have no doubt the proposal in front of us by way of the amendment of the gentleman from Chester, Senator Stauffer, is a very attractive proposal, but if we walk away from the reality of many of those persons whom we represent and the fact that we have a succeeding lottery and what we can accomplish today is a program of pharmaceutical assistance, I think we might go for what might seem to be expediently a very glamorous proposal and do very, very serious damage to the real needs of the people whom we represent. I, for one, Mr. President, will be choking to death at the thought of an income limitation we might ultimately adopt here today because, once again, in my district, I may have to cast a vote where for the greater majority of the people I represent I will not take anything home to them. But for those very real needs of the senior citizens of at least the Fourth District, I will hopefully have the political courage to face up to what a paid prescription program can do in this State.

I really take serious issue with the description of the gentleman from Chester, Senator Stauffer, of wiping out the lottery program. There has been a very, very serious effort and the gentleman knows it well, to as responsibly as possible leave no guesswork at all as described by the gentleman when it came

to projecting the success of that program and the fiscal soundness of not just next year but the years that come after the implementation of this program for the first time in Pennsylvania. I hope that maybe, as one colleague, I can help unboggle the gentleman's mind a little bit and tell him there is a very, very strong sense that many of us believe we have fought long and hard for the proposal that, hopefully, we will get to adopt today. While the gentleman has offered in the amendment in front of us a lot of glitter and something that might in a highly politicized fashion be difficult for us to vote against, the reality of the hour that is here is that we can have paid prescriptions and that it is a very, very real need for most of the people we represent.

Mr. President, I hope we would keep that consideration squarely in front of us and defeat this amendment.

Senator SHUMAKER. Mr. President, I rise in opposition to this amendment and I do so very reluctantly because I feel the amendment of the gentleman from Chester, Senator Stauffer, is a very attractive one for the cash grant and it is one that would be a great benefit to senior citizens. However, from the information that has been available to me, I do not see, fiscally, there is sufficient money for this program and a paid prescription program. Therefore, I am put in a position of assigning priorities and my priority is the paid prescription plan. Therefore, I must reluctantly vote "no" when this comes up for a vote as I feel we must get a paid prescription plan in force. Hopefully, if the lottery does show the optimistic figures that some project for it, we can consider such a plan as a cash grant at a future date.

Senator RHOADES. Mr. President, I would like to speak on this amendment by applauding the gentleman from Chester, Senator Stauffer, for his initiative and effort in putting forth such a very attractive proposal. I truly wish we could have the best of both worlds, but I think we all realize that is not so. My most recent conversation, which happened to be last evening, with the president of our senior citizens advocacy group in my home county continues to support through letters and orally the copay prescription program. Therefore, I will be voting "no" on this proposal in support of the copay program.

Senator O'CONNELL. Mr. President, I rise in support of the amendment of the gentleman from Chester, Senator Stauffer. I very sincerely respect those who have put in a lot of time and who have fought for copay or for the drug program.

Mr. President, there are some of us in this Chamber who, over the years, have fought for the very concept the gentleman from Chester, Senator Stauffer, is espousing here today for what I believe are valid reasons. I, particularly, like the health care assistance concept because of what it presents and those people it will assist. It is a broader group than that which would be available for assistance under the copay program. It will assist the disabled. It will assist the widows. It will assist some of the widowers. It will substantially benefit those people in the lower income brackets. A lot of those people in those particular categories are recipients of other State benefits and, therefore, cannot participate at all. I think the

concept of the two grants is a very attractive concept. I believe the \$140 million is available. The \$100 million we made available in the budget and the \$40 million for the inflation dividend could be packaged together to make this presentation a viable one. I believe, too, it is a hedge against accelerating costs of the future. I think it can be an absolute controlled situation. We are not dealing with a lot of variables. We are not dealing with a lot of unknowns. We are dealing with something that is specific and positive. I think that is a benefit. What I like about it and what makes it attractive is it would assist those people who need drugs. It would assist those people who have other needs in the other areas of health care. It would also help those people who need to, perhaps, eat or heat as is often suggested. I believe very strongly this is the way to go.

Perhaps those supporting the copay program will prevail today. If that be true, I hope someday down the line when that program runs into what I believe will be some difficulty, they will take another look at the program of the gentleman from Chester, Senator Stauffer, because I think it is one that is geared for the future.

Senator REIBMAN. Mr. President, I have been going around my district for many years talking to senior citizens and I am not very far from that age group myself. I have discovered the greatest fear senior citizens have is the fear of growing old and sick and seeing their life's savings being spent for medicines, drugs and health care. That seems to be the greatest fear many of them have. At least we can give them some iota of security to know when they have to have their drugs filled by prescription, there is a program in place which can help them on a copay basis. At least because of the condition of the fund, I think we can be assured the copay program, as we will be discussing it today, probably has a long period of time in which to run. The money will be enough to cover the program for many years to help ease those fears many senior citizens have of growing old and sick and seeing their life's savings spent that way.

Mr. President, while it is very nice to give them a cash grant as a present, I know many senior citizens who would deny themselves drugs, who will even now deny themselves the basic needs to keep them alive, who would spend some of that money—perhaps that is what the Members say they ought to do—on presents for their children or their grandchildren and deny themselves the very medicine they need to be well and to live a longer life. I do not think that is the purpose of this lottery money. The purpose of this lottery money was for senior citizen needs and the needs are health care needs, not giving them tiel wrapped gifts. I would judge, if my colleagues talked to most senior citizens, they will agree with what we have to say. If we should adopt the amendment of the gentleman from Chester, Senator Stauffer, the Members can rest assured that within a short period of time the need will be recognized by many people to have a copayment drug program in place, and they will come back and ask us to do that and the money will not be there for that program.

Mr. President, I urge a "no" vote on this amendment.

Senator CORMAN. Mr. President, I, too, travel around my district on a regular basis. I represent citizens in six counties of this Commonwealth and I visit them regularly and talk to them in their senior citizen groups and I talk to them individually. I find them concerned also about health costs, but when we talk about a prescription drug program, we are only talking about one facet of that and that is the cost of drugs. It seems to me if we talk about the cash grant program for providing dollars, if it is a doctor bill that must be paid, if it is a dental bill that must be paid, if it is psychiatric help they may need, whatever their needs are medically, they can address it with a cash grant, whereas prescription drugs only hit one facet of that. I find there are many things that help contribute to keep people in a good state of health and that is also being able to do many things, such as visiting their grandchildren, buying gas to travel to the doctor and to their grandchildren, also can be a very helpful thing, healthwise, for people. It seems to me if I only vote for a prescription drug program, I am only helping one segment of the senior citizen population. If I vote for the cash grant program, it seems to me I am making far more monies available for far more people to participate. It seems to me that is the best choice for the people in my district.

Senator LOEPER. Mr. President, I rise to speak against the amendment of the gentleman from Chester, Senator Stauffer, for cash grants. I do so with a number of reasons in mind. Initially, our lottery was established to help our senior citizens, particularly to address the programs to the greatest social and economic needs of our seniors. I am not sure that a straight out direct cash grant really addresses the most critical, social and economic needs of our seniors. I believe, however, that a copay prescription drug program would do that.

I am concerned when I hear some people say, "Let us vote for both programs. Let us put out a cash grant program and let us put out a prescription drug program." From where does that concern arise? I guess other than when we have been negotiating the last few weeks as to income limitations and levels and what the lottery is going to be able to sustain, yet we find when we finally come to a conclusion that is disputable, we still have those who say, "Well, we can also sustain a cash grant program on top of it." I find it difficult to accept that premise.

Mr. President, I think if we take a look at where our elderly are going in the Commonwealth of Pennsylvania and what initiatives have been established in this Commonwealth for our elderly and particularly look at the initiatives of this Administration, their long-term care plan which is designed to keep our seniors in the community rather than in the institutions, it seems to me that a cash grant type of proposal flies in the face of the long-term care plan. One thing we are trying to do is to provide those services on a community based level, to keep our seniors at home and out of institutions and I think that a prescription drug program certainly is the type of program that addresses that type of need. For those reasons, I ask a negative vote on the proposal.

Senator LEWIS. Mr. President, as I listened to the commentary of the gentleman from Chester, Senator Stauffer, in support of his amendment, it occurred to me the issue in front of us now is not really whether we can succeed in giving away money, but whether we are going to effectively target the limited resources we have available. I do not know of anyone among us or in this Commonwealth who could not use more money to help to pay the bills, nor do I know anyone among us or in this Commonwealth who would hesitate for a moment in saying they would like to have a few more dollars to help to make the family budget work, but I am not aware of any senior citizens in Pennsylvania who are asking for a handout. In fact, those with whom I have spoken have been most adamant in telling me they do not want welfare, they do not want us to simply shower them with largess because somehow or another we think we are doing them a favor. No, Mr. President. In fact, what I have heard from those people is they want to join with us in providing help for those who need our help the most. That is the focus I think this entire debate that will be in front of us today must take.

We know there are too many in Pennsylvania who have to make the choice between paying for medicines and paying the rent. There are too many who have to make the choice between paying for their medicines and buying food for their table. These are the issues that deserve our priority. While it would be nice to help many, the focus has to be on the question of whether we want to provide a little money for many or a great deal of help for those who need it the most. I think our obligation is to understand the need among our people. As the lady from Northampton, Senator Reibman, so appropriately pointed out, we must understand that one of the principal fears of our senior citizens is an illness that will destroy their family financial base, an illness that cannot be responded to with the medicines that are needed. That is where the real help has to come. That is where our focus has to be if we are truly "prioritizing" the limited resources available in this Commonwealth.

Mr. President, it is for those reasons that I think when we recognize the indignities that are being faced by our senior citizens without "prioritization," we need to recognize where our help has to come. It is for that reason I must oppose the amendment offered by the gentleman from Chester, Senator Stauffer, and focus on the issue of putting the most help where it will provide assistance to those who need it most desperately.

Senator LLOYD. Mr. President, many of the Members here today have given cogent, thoughtful reasons to vote against the amendment of the gentleman from Chester, Senator Stauffer, and I support those reasons on the merits. Let the framework of my comments then be the following reality.

If the gentleman's amendment was passed and was to become law in Pennsylvania, there would never be a prescription drug program in Pennsylvania. The 2.2 million people above the age of sixty who are residents of our Commonwealth, many of whom feel this is a critically important part

of their future and their lives, namely, a prescription drug program, not only will not have it, but they will not have hope for it. Let us as political leaders, should this pass and should this become the law, return to our constituents, look them in the eye and tell them that.

A vote for the gentleman's amendment is a vote against prescription drugs. It is as simple and as clear as that. I believe the gentleman's instincts on this are rooted in good faith and in sincere appraisal of what he believes is in the best interest of Pennsylvania. However, let us not for the most fleeting of moments lose sight of the fact that to pass this amendment, to let it become law, squelches the opportunity for a prescription drug program in Pennsylvania. We have a limited pool of money. We have the responsibility to make a decision on how to best utilize those funds. It is the opinion, I believe, of the majority of this Body, and it is the unanimous opinion of the senior citizens groups in Pennsylvania, the area agencies on aging, the Action Alliance of Senior Citizens and the various retiree groups, that a prescription drug program is the number one priority in the Commonwealth of Pennsylvania for the elderly. That is not to say, Mr. President, that is the unanimous opinion of the elderly themselves. Obviously, we cannot have the unanimous opinion of 2.2 million people. The overriding indications, however, on the leadership level and on the grass roots level are, if we have a limited amount of resources available to us, they can best be utilized by virtue of instituting a prescription drug program for our people in Pennsylvania. A vote for the Stauffer amendment is a vote against prescription drugs. Let us not kid ourselves about that.

Senator STREET. Mr. President, again I am somewhat amazed at some of the debate as I listened very closely. I have various combinations of senior citizens in my district as it relates to income levels. I have some who will be able to participate in the copay plan if that becomes law. The way it is written I have others who will not be able to participate. I am concerned about both. I am concerned about the couple who will get an infusion of some \$400 if we pass the amendment of the gentleman from Chester, Senator Stauffer. I am concerned about those people. Perhaps I am more concerned about those people than I would have need to be had I received some assistance in helping them when we tried to pass the bill to give them something to eat when those who were pushing for the amendment voted against it.

The gentleman from Philadelphia, Senator Lloyd, did not want them to have the kerosene heaters. Now they are suffering from lack of heat.

The gentleman from Philadelphia, Senator Rocks, did not want them to have kerosene because it was too dangerous and they could not handle it.

Now I am left with the possibility of saying well, do I give them an infusion of \$400 to help them get heat or do I ignore those who need heat and do not qualify for the senior citizens prescription plan because they may be on welfare. We say they already get Medicaid or some other benefits. Those people do not have a problem with prescription drugs, but they still have a problem with heat. They still have a problem

paying their electric bill. They still have a problem dealing with some of the other utilities.

The question recurs, do we vote against some and vote for others? Do we vote for those who can take advantage of the prescription plan and against those who need heat and who need that infusion? This is a dilemma. More than likely, it is a dilemma for every Member in here. It is not a dilemma for me because I have resolved it. I am going to vote for the amendment of the gentleman from Chester, Senator Stauffer, and I am going to vote for the copay prescription plan. I will then urge this General Assembly to find the money. If the Members think so much about our senior citizens and if the Members feel so strongly about them, then let us make them a priority at budget time and find the money.

It amazes me how those of us who make the laws, those of us who work up the budget and those of us who put the monies in there can say we do not have enough money for senior citizens. It amazes me.

It seems to me what we are really saying is we do not want certain portions of our senior citizens to be a priority. It is a matter of priority. It is not a matter of not having the money. We have the money to do whatever we want to do as it relates to whatever we said are our priorities.

Across the board, we have just not made the senior citizens a priority. It is that basic. I suggest to the Members that we should give an infusion to those who need copay. Let us make it a priority and fund it.

Senator PECORA. Mr. President, I did not expect the gentleman from Philadelphia, Senator Street, to make those statements. I want to make him aware of the fact I have voted for the heaters so they could have heat in his district.

Mr. President, I desire to interrogate the gentleman from Chester, Senator Stauffer.

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

Senator STAUFFER. I will, Mr. President.

Senator PECORA. Mr. President, this morning, the gentleman from Chester, Senator Stauffer, made many comments I seem to agree with because it does encompass, in his explanation, more senior citizens who would not qualify for the copay prescription program. The question is, one, how much money would each person or persons receive, husband and wife, in the medium range of \$7,000-\$8,000? I would like to have specifics.

Senator STAUFFER. Mr. President, the average claimant in the Commonwealth, which would be the average income level, would receive approximately \$273 for an individual and \$409 for a household couple. Perhaps I can expand on that answer by giving the gentleman the range. The highest income bracket we would have would receive \$80 for an individual and \$120 for a couple. The poorest class of people, and that is the majority, I might add, in the breakdown of the senior citizens to qualify fall into the lowest income bracket. They would receive \$400 for a single person and \$600 for a married couple.

Senator PECORA. Mr. President, the gentleman referred to this as health care grants. My question is, could these grants also be used for the purchase of prescriptions?

Senator STAUFFER. Absolutely, Mr. President. Prescriptions are part of health care. That is one of the points that I think has to be underscored in this. In fact, in much of the debate we have heard here this afternoon, there has been an attempt to differentiate between prescription drug needs and health care. This is a prescription drug program I am proposing. It is more than that. It is a program which deals with other health care needs, as well so we are just not limiting it to one need but the myriad of health care needs people may be faced with.

Senator PECORA. Mr. President, my third question is, can this money also be used to pay the doctor bills?

Senator STAUFFER. Yes, Mr. President, because again that is health care.

Senator PECORA. Mr. President, could this money be used as a supplement to hospitalization coverage such as Blue Cross and Blue Shield?

Senator STAUFFER. Mr. President, the answer is, yes. Again, it is for health care.

Senator PECORA. Mr. President, the only impression I have here is the gentleman is trying to save the money of the bureaucracy and to spread it across the board to assist the more needy. Am I correct, Mr. President?

Senator STAUFFER. Mr. President, the gentleman is correct. There will be more money available because of the reduction in administrative costs and it will be spread to all of those who have the need instead of just those who fall into one particular category.

Senator ZEMPRELLI. Mr. President, I would like to continue on the tack the gentleman from Allegheny, Senator Pecora, was on.

Mr. President, I desire to interrogate the gentleman from Chester, Senator Stauffer.

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

Senator STAUFFER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I get the decided impression there is a loss of control of the use of the money beyond the period of the receipt of the money as a cash grant. Therefore, Mr. President, my question is would these funds be available to persons who qualify for the purpose of going to the race track in Atlantic City or for the use of slot machines in Atlantic City?

Senator STAUFFER. Mr. President, they would not be available for that purpose as that is not the purpose of the program. If the gentleman on the other hand is inferring some people may be dishonest in their use of the money, as they can be in the other programs we have, and not use their rent rebate money for rent but to do those kinds of activities, obviously, there could be those who would abuse the use of the money. If they did do that, obviously, they would then be forced to pay their health care needs with their other funds. In the end, it would all wash out.

Senator ZEMPRELLI. Mr. President, the gentleman is not suggesting there is something illegal about taking these monies and using them for any purpose they would want to use them.

Senator STAUFFER. Mr. President, I did not use the word illegal at all. I said it would be dishonest and that is a personal judgment on that. It is not a legal judgment.

Senator ZEMPRELLI. Mr. President, is it fair to state that once the recipient receives the monies there would be absolutely no control on the expenditures of those monies and they could be converted for any use that that person wanted to use those particular funds?

Senator STAUFFER. Mr. President, essentially, that would be correct but, obviously, the fact the program is tailored to fit only those with a very limited income level, it is begging the question somewhat in my judgment to suggest senior citizens of a low income level in need of health care would squander the money away in another fashion.

Senator ZEMPRELLI. Mr. President, that is, of course, argumentative. I am sure the gentleman recognizes that. The question, however, is that there is nothing in his program or suggestion that would compel the use of the monies to discharge the obligation for which the person qualified for the money in the first instance.

Senator STAUFFER. Mr. President, is that a question? I thought the gentleman was making a statement. If that is a question in the technical sense of the question, the gentleman is correct.

Senator O'CONNELL. Mr. President, I would like to make a comment just for the record. As far as this Senator is concerned, I would like the record to show I do not believe the amendment of the gentleman from Chester, Senator Stauffer, to be a welfare program or a handout. I consider it to be a hand up. I do not believe the copay program is a welfare program, either. If the record was not clear in that regard, there would be a number of people in the Commonwealth who would be disturbed by that designation.

Senator PECORA. Mr. President, I was very disturbed over the questions which were just handed to the gentleman from Chester, Senator Stauffer. It gives me the impression some Members of this Senate assume the senior citizens are not responsible with their monies. I have noticed the senior citizens of my area have lived on less monies than many other people and have handled that money very responsibly and they are a credit to our community.

Senator HELFRICK. Mr. President, I did not intend to stand up and speak on this issue because I had already made up my mind which way I was going to vote. In my heart I believe our senior citizens really need this paid prescription plan. Not only as a Senator but as a human being, I think we owe that to them. There are people out there who really need it. After hearing the gentleman from Philadelphia, Senator Street, speak, I have to also agree with the gentleman. There are so many of us here who really want to help our senior citizens. I think every one of us here should vote for both programs. When it comes time to fund it, I think we should vote for the funds, too. I am ready to vote for both of these pro-

grams and I am ready to put my vote up for the funds that are necessary to fund these programs. I urge all my colleagues to vote for both of these programs.

Senator WILLIAMS. Mr. President, I just want to comment on the remarks of the gentleman from Luzerne, Senator O'Connell. He said these propositions were not welfare programs. I interpret that to mean there is something negative, tainted or what have you, with what we have now as welfare or public assistance programs. If that is not what the gentleman means, fine, but I just want it to be clear we have public assistance and a welfare program. We have had it in the State for some time. All too often I hear comments which seem to indicate that poor people, maybe because of the deficiencies of a few, get labeled as second class and I thought that comment was importune in that regard.

I might add the programs we are talking about, in my understanding, are indeed welfare programs and I see nothing negative about that. I just wanted to have that input because all too often we do make comments and designations about what is public policy, but we look at the negative side. In that I am the Minority Chairman of the Committee on Public Health and Welfare, I just wanted to stand up for the fact that our welfare programs may not be alive and kicking, but they are okay.

Senator BELL. Mr. President, I did not take that connotation because in the most affluent part of my district, Wallingford and Nether Providence Township, the people who ride the commuter railroad service into Philadelphia every day have more than half of their fare paid for by taxes on other people. I do not think because somebody gets a grant from the Commonwealth they are second class citizens. At least those very proud people from Wallingford consider themselves the salt of the earth.

The PRESIDENT pro tempore. Gentlemen and lady of the Senate, the issue before the Senate is Senator Stauffer's amendment to House Bill No. 6. I admonish the Members to stay a little closer to the subject matter of that amendment rather than remarks which might more properly be made under Petitions and Remonstrances.

PERSONAL PRIVILEGE

Senator O'CONNELL. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. The gentleman from Luzerne, Senator O'Connell, will state it.

Senator O'CONNELL. Mr. President, I made a remark on the floor of the Senate and it was taken out of context. I believe I am entitled to clear up that misunderstanding. I do not really believe there is a stigma associated with welfare. That was not the inference.

Senator STAUFFER. Mr. President, very briefly, I would just like to make a few remarks in response to a couple of things that were said by some of the speakers who spoke in opposition to the amendment I proposed.

The gentleman from Philadelphia, Senator Rocks, indicated this was a political proposal. I am sorry he said that because it is absolutely untrue. I call to the gentleman's atten-

tion the fact that on April 7th, very early in the Session this year, I introduced Senate Bill No. 591 which essentially proposes the same kind of program I am proposing today. This is a serious proposal.

The gentleman says if it is adopted there would be serious damage to those who have medical needs. I am mystified with that because I am proposing we give the people the money to pay for their medical needs, not just the prescriptions, but all of their medical needs to the greatest extent we possibly can. I think it distorts the issue to indicate some kind of serious damage would be done.

I would like to make one other remark and I want to condense this and finish. The issue has been raised about effectively targeting the monies, who wants this, who does not want it and who needs it the most. The gentleman from Bucks, Senator Lewis, raised that issue. I might point out that, since being identified with this issue, my office has been besieged with letters and telephone calls from every one of the Members' districts saying to me, "We want this program as senior citizens. It is fairer. It does more for more of us. Stay with it. Do not give up."

In fact, Mr. President, there was a point a couple of days ago where in my own mind I was questioning whether to go ahead and push this issue. It was the fact I have been besieged by so many senior citizens throughout this Commonwealth saying, "This is the way it should be. This is fairest for us. Please stay with it. Please support us," that I brought it to this Senate today.

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

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

YEAS—19

Bell	Helfrick	Moore	Stauffer
Brightbill	Hess	O'Connell	Street
Corman	Hopper	Pecora	Wenger
Fisher	Howard	Shaffer	Wilt
Hager	Kusse	Snyder	

NAYS—31

Andrezeski	Kelley	Musto	Shumaker
Bodack	Kratzer	O'Pake	Singel
Early	Lewis	Reibman	Stapleton
Fumo	Lincoln	Rhoades	Stout
Greenleaf	Lloyd	Rocks	Tilghman
Hankins	Loeper	Romanelli	Williams
Holl	Lynch	Ross	Zemprelli
Jubelirer	Mellow	Scanlon	

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?

LOEPER-LLOYD AMENDMENT

Senator LOEPER, on behalf of himself and Senator LLOYD, by unanimous consent, offered the following amendment:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting:

Establishing a program of limited pharmaceutical assistance for the elderly; granting powers to and imposing duties on the Department of Aging; establishing a payment system; making provisions for funding; providing for reports; and fixing penalties for violations of the pharmaceutical assistance program.

Amend Bill, page 1, lines 6 through 17; page 2, lines 1 through 6, by striking out all of said lines on said pages and inserting:

Section 1. Short title.

This act shall be known and may be cited as the Pharmaceutical Assistance Contract for the Elderly Act.

Section 2. Legislative findings.

Finding that an increasing number of the Commonwealth's elderly citizens who are living on fixed incomes are experiencing difficulties in meeting the costs of life-sustaining prescription drugs, the General Assembly, in its responsibilities to provide for the health, welfare and safety of its residents, hereby establishes a limited State pharmaceutical assistance program for the elderly.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Pharmaceutical Assistance Review Board.

"Department." The Department of Aging.

"Eligible claimant." A resident of the Commonwealth 65 years of age and over, whose annual income is less than the maximum annual income, and who is not otherwise qualified for public assistance under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"Income." All income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act (except Medicare benefits), all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal Government or any state government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first \$5,000 of the total of death benefits payments, and gifts of cash or property, other than transfers by gift between members of a household, in excess of a total value of \$300, but shall not include surplus food or other relief in kind supplied by a government agency or property tax rebate.

"Maximum annual income." Annual income as determined by the department. Such amount shall not exceed \$9,000 in the case of single persons nor \$12,000 in the case of the combined annual income of married persons.

"Pharmacy." A pharmacy licensed by the Commonwealth.

"Prescription drug." All legend drugs, insulin, insulin syringes and insulin needles. Experimental drugs are prohibited.

"Private contractor." A person, partnership or corporate entity who designs and submits a proposal to provide pharmaceutical assistance as established under the provisions of this act.

"Program." The pharmaceutical assistance contract for the elderly as established by this act.

Section 4. Responsibilities of Department of Aging.

(a) Determination of eligibility.—The department shall adopt regulations relating to the determination of eligibility of prospective claimants and the determination and elimination of program abuse. The department shall have the power to declare ineligible any claimant who abuses or misuses the established prescription plan. The department shall have the power to investigate cases of suspected provider or recipient fraud.

(b) Reduced assistance.—Any eligible claimant not otherwise qualified for payment of drugs under any public assistance program whose prescription drug costs are covered in part by any other plan of assistance or insurance may be required to receive reduced assistance under the provisions of this act at the discretion of the department.

(c) Rebates for expenses prohibited.—A system of rebates or reimbursements to the participant for pharmaceutical expenses shall be prohibited.

(d) Request for proposal.—The department shall prepare a request for proposal for the purpose of providing pharmaceutical assistance for the elderly within this Commonwealth. The request for proposal shall require private contractors to submit a three year proposal not to exceed \$300,000,000. Upon the adoption of the General Fund Budget, the Department of Revenue shall transmit the appropriated funds in the State Lottery Fund to the State Treasurer to be deposited in the Pharmaceutical Assistance Contract for the Elderly Fund to be created by the State Treasurer to fund the operations of the program. Funds not expended in the fiscal year in which they were appropriated shall not lapse and be available for use in the next fiscal year.

(e) Program criteria.—The program shall include the following criteria:

(1) Participating pharmacies are to be paid within 21 days of the contracting firm receiving the appropriate substantiation of the transaction. Pharmacies shall be entitled to interest for payment not made within the 21-day period at a rate approved by the Pharmaceutical Assistance Review Board.

(2) Collection of the copayment by pharmacies shall be mandatory.

(3) Senior citizens participating in the program are not required to maintain records of each transaction.

(4) A system of rebates or reimbursements to the participant for pharmaceutical expenses shall be prohibited.

(5) The system established shall include a participant copayment schedule of \$4 for each prescription for the first year of the contract. The copayment shall increase or decrease on the annual basis by the average percent change of ingredient costs for all prescription drugs plus a differential to raise the copayment to the next highest 25¢ increment. In addition, the department may approve a request for increase or decrease in the level of copayment based upon the financial experience and projections of the program and after consultation with the Pharmaceutical Assistance Review Board. The department is prohibited from approving adjustments to the copayment on more than a semiannual basis.

(6) The program shall consist of payments to pharmacies on behalf of eligible claimants for the average wholesale cost of legend drugs, insulin, insulin syringes and insulin needles which exceed the copayment and a dispensing fee of at least \$2.50. In no case shall the Commonwealth be charged more than the price of the drug at the particular pharmacy on the date of the sale. For the purpose of the act, the eligible claimant shall be liable to pay the difference between the brand name drug and the generically equivalent drug as approved under the provisions of the act of November 24, 1976 (P.L.1163, No.259). Only the physician may prescribe a nongeneric medication.

(7) Prescription benefits for any single prescription shall be limited to a 30-day supply of the prescription drug or 100 doses, whichever is less, except that in the case of acute drugs the limitation shall be a 15-day supply.

(8) Experimental drugs are to be excluded from the program.

(9) A system of mail order delivery for prescriptions shall be prohibited under this program.

(10) The program must be in place and operational within 90 days of the effective date of the contract.

(f) Reports by department.—The department shall maintain monthly statistical records on the program to effectively determine the cost of the program, level of participation and any patterns of unusual drug usage. Based on this information, the department shall submit a report every three months to the Aging and Youth Committee in the Senate, the Health and Welfare Committee in the House and the Pharmaceutical Assistance Review Board. The quarterly report shall contain, but is not limited to, all information relating to the number of persons served by the program, their counties of residence, a breakdown of the numbers and kinds of pharmaceuticals used, the cost of prescriptions and an estimate of actual expenses incurred by pharmacists participating in the program.

(g) Adjustments to program.—The department is authorized to enter into discussions with the private contractor pursuant to section 6(c).

Section 5. Contract.

The department is authorized to enter into a contract providing for prescription drugs to eligible persons pursuant to this act. The department shall select a proposal that includes, but is not limited to, the criteria set forth in section 4.

Section 6. Pharmaceutical Assistance Review Board.

(a) Establishment.—A Pharmaceutical Assistance Review Board shall be established to ensure that the program is providing and continues to provide the assistance intended in a fiscally responsible manner without excessively hampering the pharmaceutical industry.

(b) Composition.—The board shall be comprised of the following seven persons:

- (1) The Secretary of Aging, who shall serve as its chairman.
- (2) The Secretary of Revenue.
- (3) The Secretary of Health.
- (4) Four public members, one appointed by the President pro tempore of the Senate, one appointed by the Minority Leader of the Senate, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives. Those appointed shall include two senior citizens and two representatives of the pharmaceutical industry, at least one of whom is a practicing Pennsylvania pharmacist.

(c) Review.—Using the quarterly reports submitted by the department pursuant to section 4(f) and other appropriate data sources, the board will conduct a quarterly review. The board shall develop recommendations concerning any changes in the level of copayment or in the level of fees paid to participating pharmacists. The board may also recommend other changes in the structure of the program and direct the department to enter into discussions with the private contractor concerning amendments to the contract. The copayment schedule shall only be adjusted on a semiannual basis.

Section 7. Penalties.

(a) Criminal penalties.—Any person who submits a false or fraudulent claim under this act, or who aids or abets another in the submission of a false or fraudulent claim, or who is eligible under a private, State or Federal program for prescription assistance and who claims or receives duplicative benefits hereunder or who otherwise violates any provisions of this act, commits a misdemeanor of the third degree.

(b) Suspension of license.—Any provider who has been found guilty under this act shall be subject to a suspension of his license to practice for a period of one year.

(c) Repayment of gain.—Any provider or recipient who is found guilty under this act is subject to repay three times the value of the material gain he received.

Section 8. Implementation of act.

Implementation of the provisions of this act shall be in accordance with the following time-frame guidelines:

(1) The department shall publish its request for proposal in the Pennsylvania Bulletin within 60 days of the effective date of this act.

(2) The deadline for submitting bids on the proposal shall be 60 days from the date of publication.

(3) The department must make a selection and enter into a contract within 30 days of the close of bids.

Section 9. Effective date.

This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

LOEPER AMENDMENT TO LOEPER-LLOYD AMENDMENT

Senator LOEPER, by unanimous consent, offered the following amendment to the amendment:

Amend Amendments, page 2, line 30, by inserting after "claimants": and providers including dispensing physicians

On the question,

Will the Senate agree to the amendment to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the amendment, as amended?

FISHER AMENDMENT TO LOEPER-LLOYD AMENDMENT

Senator FISHER, by unanimous consent, offered the following amendment to the amendment:

Amend Amendments, page 2, line 15, by striking out "\$9,000" and inserting: \$12,000

Amend Amendments, page 2, line 16, by striking out "\$12,000" and inserting: \$15,000

Amend Amendments, page 3, line 10, by striking out "\$4" and inserting: \$5

On the question,

Will the Senate agree to the amendment to the amendment?

Senator FISHER. Mr. President, since the amendment of the gentleman from Delaware, Senator Loeper, although offered, has really not been explained and, obviously, has not been adopted by the Members of the Senate, just let me give a few brief statements before I get into the specifics of my amendment.

First of all, as far as the copay prescription issue is concerned, my personal position has not necessarily been one of favoring the copay program. I think my previous vote indicated where my priority would have been. Legislation introduced also indicated my priority probably would have been for property tax relief or expanded property tax relief. The particular reason for my first priority, expanded property tax relief, was I felt it was the most important thing for the people of the Thirty-seventh Senatorial District. It is basically for the same reasoning I am offering this amendment here today which attempts to amend the proposal which has been introduced by the gentleman from Delaware, Senator Loeper, and the gentleman from Philadelphia, Senator Lloyd. As I intro-

duce it, of course, I have to commend both Senators for the outstanding work they have done in trying to bring an issue before the Senate they felt was the appropriate thing for their districts and for the people of Pennsylvania. I would be remiss to not do that and I do not, by offering this amendment, seek to criticize their effort in any fashion.

My amendment attempts to expand the copay proposal to approximately 170,000 more residents of this Commonwealth who, by virtue of the fact that their incomes as a couple were between \$12,000 and \$15,000, or as a single individual between \$9,000 and \$12,000, would once again not receive any benefits from the Lottery Fund. I think this is a shame. I do not know the percentage of senior citizens in my district who do not qualify for the existing benefits or who would not qualify for the copay proposal offered by the gentleman from Delaware, Senator Loeper, and the gentleman from Philadelphia, Senator Lloyd, but it is my assessment the number of senior citizens in my district is probably substantial. It is probably more than half. I would submit the number of senior citizens in many of the other districts around the Commonwealth who will not benefit by the amendment offered by Senator Loeper and Senator Lloyd is also substantial.

Obviously, my amendment does not include all senior citizens because I recognize, with the impact and the cost of the copay program, we have to stop somewhere. My amendment seeks to raise the income limitations from \$9,000 for a single person to \$12,000. It seeks to raise the income limitations for a couple from \$12,000 to \$15,000. I recognize everybody has, I am sure, examined all of the literature and all of the charts that have been prepared by the two sponsors. The chart which I have just recently distributed to the Members attempts to take some of the data from their chart to show what the additional impact and what the additional cost of my amendment will be. Without having had the benefit of the debate on the amendment itself, I feel it is necessary for me, perhaps, to mention a couple of the salient facts.

Mr. President, as I said, we will be including an additional 170,000 people based on the estimates from the Office of the Budget by the adoption of my amendment. I recognize if we include 170,000 more people, we are going to have some increased costs. What I have done to counterbalance that increased cost is I have raised the copay in my amendment from the starting point in the amendment of Senator Loeper and Senator Lloyd from \$4.00 to \$5.00. It is interesting when we are considering whether to go with my proposal or whether to go with the proposal of Senator Loeper and Senator Lloyd to consider what the House of Representatives did when they addressed this issue a couple of weeks ago. They passed a bill that had income limitations of \$12,000 and \$15,000 and a copay of \$4.00. Basically what I am saying is, instead of going to a \$9,000 and \$12,000 income limitation with a \$4.00 copay, I think to get the expanded services to more people it is more important to go to the \$12,000 and \$15,000 limitation and set the copay at \$5.00.

Why do I think the \$12,000 and \$15,000 limitation is so important? Let us look at the average individual in this Commonwealth, a couple who has Social Security benefits, and see what their income is. With full Social Security benefits which many of the people in my district have, the income just from Social Security which is included in household income, is approximately \$11,500 a year. With any additional income, they are over the limit. This has been a fact under the other existing programs. We would perpetuate what I think is an inequity for a substantial number of the residents of our district if we adopt a program at \$9,000 and \$12,000 income limitations. What happens when we raise the copay to \$5.00? Certainly that means the other 770,000 people who participate in the program are going to have to pay \$1.00 more. Let us not forget about the fact that those people who are asked to pay another dollar so an additional 170,000 can share in the program, are already receiving benefits under the lottery system. They are receiving a rent rebate check and they are probably also receiving an inflation dividend. I do not think it is too much to ask those individuals to pay a dollar more.

Let us look at the chart I distributed. Just briefly, I will try to compare it to the chart the gentleman from Delaware, Senator Loeper, distributed yesterday. By raising the income limits and by raising the copay \$1.00, I must tell the Members that my proposal has an additional cost. We have a countervailing increase in the copay, but the additional cost as I have calculated it, based on the figures and the participation rate Senator Loeper used is approximately \$15 million in the first year or in the 1984-85 fiscal year. When we run those figures out, based on the same figures Senator Loeper used, the additional cost for the 1988-89 fiscal year, which was the last year they calculated, is approximately \$18 million a year. I must tell the Members there is an increased cost. My colleagues may ask where are we going to get this money? I think it is very important as we debate this issue today and I think a decision on this issue of copay will go a long way to determine what the future of the lottery proceeds is for perhaps the next four to five years. I do not see us coming back. I do not see us continuing to amend or continuing to look at other systems. I say that because I think there is some uncertainty as to the possible costs. I am using the same assumptions others have used, but I am certain there is going to be sufficient uncertainty that we are not able to put on line any other new programs for the next four to five years. I think if we adopt a program today and once again leave that segment of our population out, we are continuing to harm them for that same period.

Let us look at the chart Senator Loeper passed out yesterday which is a seven year overview of the Pennsylvania Lottery Fund. Looking at that chart, I believe the small increase of \$15 million or \$18 million in the fifth year is not so substantial that we cannot afford to adopt my amendment. The seven year projection which was done by the Pennsylvania Department of Revenue shows that ticket sales in the last fiscal year of 1982-83 were \$885 million. Their projection for our current fiscal year of 1983-84 is approximately \$1.1

billion. That projection in and of itself for those of us who have seen the current figures, I think we realize that projection is extremely conservative based on the current success of our programs, particularly the Lotto program. I, for one, have talked to many people in my district who play the lottery. Many, many people are just beginning to realize the ease with which the Lotto can be played. I talked to many of the lottery sellers every week who tell me each week more people are coming in and playing the Lotto for the first time. I think there is substantial potential for more growth with just the current programs we have today. Look at the projections the Department of Revenue has made on ticket sales. In 1984-85 they only project a very small increase, from \$1.103 billion to \$1.120 billion, an increase of only \$9 million in ticket sales from the 1983-84 fiscal year to the 1984-85 fiscal year, an additional \$6 million in 1985-86, \$5 million in 1986-87, \$5 million in 1987-88 and \$6 million in 1988-89. I just do not think those projections are realistic. I think, as we are sitting here today attempting to define a program which apparently most if not all the Members of the Senate are going to vote for, I think we owe it to that category of senior citizens who today are not getting one penny under our Lottery Fund to perhaps make them eligible for a copay program and, in order to stay within the limits, to keep some caution in our planning we should raise that copay to \$5.00.

Mr. President, I think this is a most significant issue. I think it is an issue, if we want to help the senior citizens between the \$12,000 and \$15,000 income limitation, that we should adopt.

I urge your affirmative support for my amendment to the amendment of the gentleman from Delaware, Senator Loeper, and the gentleman from Philadelphia, Senator Lloyd.

The PRESIDING OFFICER (William J. Moore) in the Chair.

Senator WILLIAMS. Mr. President, I am constrained to support the remarks of the gentleman from Allegheny, Senator Fisher, and his amendment. I think the gentleman makes a very, very telling and precocious observation. When we first started talking about the lottery, no way could we imagine the activity and the interest financially, so much so that we are caused to be here today fighting about what we are going to do with the overflow of that money. I think the observation of the gentleman is also correct and keen. There are thousands and thousands of people who have just started. We are on the crest with the new games—some of which I objected to because of the way they advertise it—which captures many, many thousands of our people. The gentleman is right, it is on the crest of growth. Whoever projected that slow growth projection is no more ignorant than we were from the beginning. We are clearly in a growth process.

It is also fundamental with every Member in this Chamber that we want to give our senior citizens the best possible under all the circumstances. I say the amendment of the gentleman from Allegheny, Senator Fisher, clearly meets that. It clearly meets the time of growth, the acceleration, the surplusage and it clearly predicts we will have much, much more than we need

to fund the option from \$12,000 to \$15,000. I do not know the politics and I do not know the polemics of how we went from a \$12,000 to \$15,000 income limitation down to the \$9,000 to \$12,000 income limitation with cash grants, but it is sort of a contradictory give-a-way and take back. I think with the amendment, the one thing we all can do is struggle as we might with figures projected by someone to reduce ourselves and retreat to common sense. Indeed, I think there was a small lottery a few minutes ago as to what the outcome of the last vote would be. The lottery is a business of the future. It is clearly growth oriented. If we turn our backs on our senior citizens alleging to want to do something and turn our backs on the strength and the merits of this amendment, I think we would all be doing a disservice. I proudly rise to support the amendment. It is the direction in which we ought to go, and very shortly I think it will militate as obvious the result that we should have. Mr. President, I will cast my vote with the amendment.

Senator LOEPER. Mr. President, I very hesitantly have to rise in opposition to the amendment. I would like to indicate for the record that I have had letters back in my district office in support for a \$20,000 and \$25,000 income limitation to participate in this program. It would be great if we could service all those people and let them participate in the prescription drug program.

We have an allocation of \$100 million. The best estimates we can put together are in the initial stages of that program, to get that program underway, we are only going to be able to serve those who qualify with the same income limitations as the property tax rent rebate program already in place. I think one thing we may fail to consider when we vote for this particular amendment is we already have a \$9,000 and \$12,000 income limitation in place for the property tax rent rebate program. Our proposal indicates the same type of limitation for the copay prescription drug program. I think what we also have to be concerned about is the integrity of the programs that are already in place. Are we in a position to implement a very generous program that could very well jeopardize the property tax rent rebate program, the mass transit assistance program and those programs upon which so many of our senior citizens already very heavily depend? I, for one, would certainly like to see a \$12,000 and \$15,000 income eligibility limit, but I just do not believe it is fiscally prudent to start the program in its initial stages, a program in its infancy, at those levels until we see if we can sustain it and afford it. Therefore, Mr. President, I ask for a negative vote on this proposal.

Senator ZEMPRELLI. Mr. President, being against this amendment is somewhat like being against apple pie, the flag and motherhood. I can appreciate where every Member is coming from and I would like very much to be able to vote for this amendment. It is embracive of more people. As a matter of fact, Mr. President, to digress, it was a very serious consideration in the total resolve of the budget process at that time. However, the one ingredient we did not have at that time was the amount of money that would be necessary to do the kinds of things we wanted to do within the limitations prescribed,

although we were working with a cap of \$100 million. In clear focus, and as a very salient and overwhelming consideration, is the big number, \$100 million. I think it would also be naive to suggest, even though the resolve on the budget was for one fiscal year, that once a program is in place it does not fall of its own weight. It stays there as sticky as a bee on a banner that is designed to catch bees in the middle of the summer. The point I make, Mr. President, is the money simply is not there and the program of necessity needs to be tailored to the cloth. As reluctant as I am to believe that because I understand the agony many of us went through to have considered the limits of \$12,000 and \$15,000, I must vote "no" on this amendment for no other reason than the economic impact upon the limitations of the monies available for the program, not philosophically and not for any belief other than the fact it is necessary to remain fiscally responsible.

I hope each and every other Member of this Senate resists—underlined and with emphasis—the opportunity to become very popular with a lot more people and to throw aside the primary responsibility of acting legislatively responsible and to tailor the program to the monies available. That is the bottom line and that is what it is all about. That is what I am going to have to explain to a lot of people when I go back home as many of the other Members are going to have to do. It is just not there.

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

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

Senator LOEPER. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, as I read Section 4(e)(5) of the amendment of the gentleman, I see the language that "The copayment shall increase or decrease on the annual basis by the average percent change of ingredient costs for all prescription drugs plus a differential." Is that correct?

Senator LOEPER. Yes, Mr. President. Under the proposal which is before the gentleman, there is really a so-called safety valve concept whereas on a semi-annual basis the copy cost may be adjusted based on the ongoing prescription costs of the program and on an annual basis based on the ingredient cost of the program.

Senator BRIGHTBILL. Mr. President, would it be fair to say that this sub-section is designed to provide for a maximum expenditure of \$100 million per year for this program?

Senator LOEPER. The gentleman is correct, Mr. President.

Senator BRIGHTBILL. Mr. President, would it be fair to say then the net effect of the amendment of the gentleman from Allegheny, Senator Fisher, if adopted, would be to increase the amount of the copayment rather than to increase the total cost of the program?

Senator LOEPER. Mr. President, it would be my best guess what in effect that amendment would do, if adopted, is expand significantly the number of eligible participants in the program, would lessen the dollar amounts available for prescription drugs because of the increased numbers of partici-

pants and, after the semi-annual review, most likely would drive up the copayments significantly.

Senator BRIGHTBILL. Mr. President, that would not increase or decrease the amount of allocation, namely the \$100 million that is available for this program? Is that correct?

Senator LOEPER. The gentleman is correct, Mr. President.

Senator LLOYD. Mr. President, I rise in opposition to the amendment of the gentleman from Allegheny, Senator Fisher. It is my belief I was the first Member of the General Assembly to push for income eligibility limits of \$12,000 and \$15,000. Therefore, it may seem somewhat odd for me to rise in opposition to this amendment. However, Mr. President, I do so because to implement a program at this time at those income eligibility limits will simply break the bank. It will result in less than five years in taking a healthy lottery system with a \$300 million current surplus and have a \$61 million deficit.

Mr. President, there is not a person in this room who wants income eligibility limits at \$12,000 and \$15,000 anymore than I. However, we cannot turn our backs on the fiscal reality. We can construct numbers to tell us what we would so desire or to meet our goals. We can say to ourselves the lottery revenue will probably increase. We can say a lot of things to ourselves, but when we do a hard, cold fiscal analysis, when we do an objective analysis, unfortunately, it shows we would be taking a healthy system and breaking it financially.

Mr. President, we must make decisions on public policy based not on the way we want things to be but on the way they really are. We have to start from a realistic point of view. I wanted the head of the lottery, Mr. Lynn R. Nelson, the Secretary of Revenue, Mr. James Scheiner, and my own Senate Democratic Committee on Appropriations to tell me we could afford limits of \$12,000 and \$15,000. The reality is we cannot. The reality is that at this point the daily number game has matured and has been mature financially for some time. It takes a great deal of advertising just to keep it at the current level.

During this past summer, Mr. President, the Lotto game received spectacular international publicity on some big prizes that were offered. In order to simply maintain the momentum we currently have, it is going to take a tremendous marketing effort. The other games involved in the lottery are games that come and go such as the instant games. People get tired of them after a period of time and we have to market new games. It is my hope we can increase these revenues, and that we can develop the marketing techniques to increase what is available to us. If we look at what we really anticipate to be the revenue and what we really anticipate to be the expenses of this program, we show a curve that runs downhill, and by fiscal 1988-89 we have taken a healthy program and have broken it into a thousand pieces. Nobody wants to do that. Nobody here wants to do that and I understand that. I wish I could go home to my constituents and tell them I have \$12,000 and \$15,000 limits for them. I wish to God I could do that, but I cannot do it in good conscience. If our lottery system even

increases at one and a half percent a year, then we will have money available to increase the eligibility limits. We should really scrutinize ways to do that. We should work toward \$12,000 and \$15,000, and refine those marketing techniques. We should evaluate the money we are expending throughout the lottery system now to try to get us to limits of \$12,000 and \$15,000. I think we can do that if we are skillful enough. We are kidding ourselves if we feel that we can do that today.

There are two goals here today. The first is to provide prescription drugs for Pennsylvania's elderly but, Mr. President, overriding all else, we must maintain the fiscal integrity of the lottery system. The amendment of the gentleman from Delaware, Senator Loeper, as presented, does that with the \$9,000 and \$12,000 limit. We will work toward increasing it, but we simply cannot do it now.

Senator MELLOW. Mr. President, I subscribe to the arguments that have been advanced by the gentleman from Philadelphia, Senator Lloyd, the gentleman from Delaware, Senator Loeper, and the gentleman from Allegheny, Senator Zemprelli, with regard to support of this amendment. I find myself in the very uncomfortable position of having to want to vote to increase the earning limitations from \$9,000 to \$12,000 to \$15,000.

I think, Mr. President, we have to be realistic with ourselves as to just exactly what the lottery system itself can stand. An argument that has not been advanced here this afternoon is what, in fact, the Governor of this Commonwealth may accept. I believe it has been widely reported the Governor has indicated through the news media that not only is he not in favor of a \$9,000 to \$12,000 limitation in the paid prescription program but, in fact, he would like to see the income limitations at \$7,000 to \$9,000 to, as he states, "Preserve the integrity of the Lottery Fund."

I personally feel I would like to be able to vote to increase limitations to \$12,000 to \$15,000, but I think in doing that we may jeopardize the entire program from enactment, because once this Body finally passes House Bill No. 6 and sends it on to the House of Representatives, it probably will not be acted upon until we come back following the election recess. If the House of Representatives in its wisdom would decide to concur on House Bill No. 6, there is a good possibility the Governor of the Commonwealth of Pennsylvania would veto that proposal because it does not uphold the financial integrity of the lottery system based on the \$12,000 to \$15,000 limits of income.

I think, Mr. President, if we want to be honest and sincere with the senior citizens, the people that we, in fact, are trying to do something for this afternoon on a bipartisan basis, then we, in fact, should vote for something that is realistic, something the House of Representatives can concur in and something we believe the Governor of the Commonwealth can sign if it reaches his desk.

Senator BELL. Mr. President, I have listened to some soothsayers and some seers. They are telling me what the conditions are going to be in 1988 and 1989. I wish I had their wisdom. I could make a lot of money in the stock market.

Mr. President, what people have not mentioned yet is the artificial limit on rent and tax refunds set several years ago which have been attacked by inflation. Taking what was correct three years ago, with a 15 or 18 percent inflation factor, that is not a realistic limit even on rent and tax refunds. What the gentleman from Allegheny is really trying to do is open the door to reexamine the whole problem and I support him. I am looking at the figures which I borrowed from my colleague from Delaware County and, as I said earlier, as of September it looks like lottery sales are going to be over \$1 billion. I estimated a little over \$1 billion and here is the estimate of \$1.103 billion. What amazes me is, to be fluid, we have to have a surplus. Last year we had to have a surplus of \$212 million. This year we have to have a surplus of \$329 million. This startles me. I am not young like the rest of my colleagues. I cannot see ten years in advance. I know what that \$300 million is going to do. It is going to lay in the State Treasury and get 10 to 15 percent interest and that will go into the General Fund, perhaps while some senior citizens do not get paid prescriptions.

Senator LINCOLN. Mr. President, I, too, rise this afternoon to oppose this amendment. I think it is interesting for us to take a little bit of a look at the past, somewhat in the same manner we have just taken a look at the future with predictions of revenue coming into the lottery program. When the lottery program began, it did not begin with what we have today. It covered only property tax; it did not cover rent rebates. The income limits were low. I think I am correct in saying they were \$7,500 at the maximum. The maximum rebate was \$200. We have seen that program grow to where the income limitations are now \$9,000 and \$12,000. The maximum rebate has been increased to \$400 and we have included renters in that program. That did not happen the day it was passed. It did not happen in the months after that. It happened in the years that followed with the development of one of the finest senior citizen programs in this country. I think we should also remember, at the inception of this program there were funds borrowed from the General Fund to begin what was then a very meager beginning of a good program. I remember in my first term in the House we even had to prorate the returns on that \$200 rebate because there was not enough money in the Lottery Fund. I think we have proven over the years it is a sound program. I think we have proven that we, as Legislators and other people in government, are interested in continuing that program in a manner of good return to the senior citizens we represent.

I think the fact that today we are talking about a prescription program for those same senior citizens is proof we have had a continuing interest in expanding the program. I would be fearful of doing something that would next year, or the following year, or whenever, cause me to have to go back to my district and explain to people why their rent rebate check, their property tax rebate or, in fact, the paid prescription program was going to be reduced. I think the soundest way we can proceed would be to follow the history of this program. I know I would love to be able to have the \$12,000 and \$15,000

income limitations and I think that is something we may get to eventually.

Mr. President, this program has been very special to my district and I think probably every other Senator in this Chamber could stand and say the same thing. I think getting the paid prescription program underway at the \$9,000 and \$12,000 level is an accomplishment many of us were not sure was going to take place today or anytime in the future. I would be very glad to come back after a year or so with this program and be able to raise the income limitations and raise whatever else we can, but I think the soundest and the most secure thing we can do for the people we represent who will benefit from this program is to start with the \$9,000 and \$12,000 income level. That is the only reason I ask the Members to vote against this amendment.

Senator FISHER. Mr. President, I just want to make a general response to the comments which have been made by some of those who have urged a negative vote on this amendment.

To say the money is not there is just not the case. Although only \$100 million was specifically set aside in the General Fund budget for 1983-84, those just are not the appropriate or pertinent figures on which the Members should base their decision as to which way they are going to vote. The appropriate figures are those cited by the gentleman from Delaware, Senator Bell. The figures show, based on the conservative estimates of the Pennsylvania Department of Revenue, at the end of the 1983-84 fiscal year there will be a surplus of \$329 million in the Lottery Fund. After the payment of the amount of money the paid prescription program will cost under the figures of the gentleman from Delaware, Senator Loeper, and the gentleman from Philadelphia, Senator Lloyd, in 1984-85 there will be a surplus of \$309 million. At the end of the five-year term, there will be a surplus under the very, very conservative figures based on the estimates of the success of the lottery of \$159 million under the proposal of Senator Loeper and Senator Lloyd. My proposal will cost an additional \$80 million based on the figures of Senator Loeper and Senator Lloyd, and that is what we have to work on. That still leaves a surplus in the fund of approximately \$80 million in addition to the reserve which will be kept by the Lottery Fund under the requirements of law. My proposal in no way comes close to bankrupting this fund. There is adequate money available. All I am asking the Members to do is just not shut the door again on those senior citizens who happen to be a little over the income limitation. Let us help out some more people in Pennsylvania. I think we can do it in a fiscally responsible fashion by approving this amendment.

Senator BRIGHTBILL. Mr. President, I rise to urge an "aye" vote.

We are not talking here about breaking the bank. On the contrary, there is \$100 million allocated and whether we adopt the amendment of the gentleman from Delaware, Senator Loeper, with or without the amendment of the gentleman from Allegheny, Senator Fisher, the \$100 million is the money which is there to be spent. Should the costs not rise to the pro-

jected levels, what would happen under the amendment of Senator Loeper is the copay would then go down to \$3.00 or even lower. What we are saying is we are not going to spend any more money, but we are going to allocate the money we are spending among a greater number of citizens. We are going to allocate it to 170,000 additional senior citizens and these 170,000 senior citizens are people who right now do not receive any benefits from the lottery. That is 3,400 people per Senatorial district. What we are saying to the people who are eligible in the \$9,000 to \$12,000 bracket is, "Yes, you may have to pay another dollar for your prescription, but, as a result, 170,000 of your brothers and sisters would receive the same benefit you now receive."

LEGISLATIVE LEAVE

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Hager who has been called to his office on legislative business.

The PRESIDING OFFICER. The Chair hears no objection and the leave is granted.

And the question recurring,

Will the Senate agree to the amendment to the amendment?

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

YEAS—23

Bell	Fumo	Pecora	Stout
Bodack	Greenleaf	Rhoades	Street
Brightbill	Hager	Rocks	Wenger
Corman	Hankins	Shaffer	Williams
Early	Kusse	Snyder	Wilt
Fisher	O'Connell	Stauffer	

NAYS—27

Andrezeski	Kelley	Mellow	Scanlon
Helfrick	Kratzer	Moore	Shumaker
Hess	Lewis	Musto	Singel
Holl	Lincoln	O'Pake	Stapleton
Hopper	Lloyd	Reibman	Tilghman
Howard	Loeper	Romanelli	Zemprelli
Jubelirer	Lynch	Ross	

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 amendment, as amended?

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

YEAS—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger

Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

The PRESIDING OFFICER. House Bill No. 6 will go over, as amended.

GUESTS OF SENATOR JOHN J. SHUMAKER PRESENTED TO SENATE

Senator SHUMAKER. Mr. President, it is my extreme pleasure to introduce very special guests of mine who are in the gallery. They are some of the members of the Uptown Late Start Senior Citizen Center. I ask the Senate to give them our usual warm welcome.

The PRESIDING OFFICER. Will the guests of Senator Shumaker please rise so the Senate may give you its usual warm welcome?

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 96 (Pr. No. 1688) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a tract of land in Lower Yoder Township, Cambria County, acquired pursuant to the Project 70 Land Acquisition and Borrowing Act, in exchange for another tract located in the same township.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

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

BILLS OVER IN ORDER

HB 258, SB 266, HB 327 and SB 432 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 457 (Pr. No. 1382) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the enforcement of automobile warranties; and imposing rights and liabilities on consumers and automobile manufacturers and dealers.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 501 (Pr. No. 2055) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing for the continued existence of residential finance authorities; and making a repeal.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 525 (Pr. No. 1451) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 10, 1975 (P. L. 383, No. 110), entitled "Physical Therapy Practice Act," providing for the certification of athletic trainers by the State Board of Physical Therapy Examiners; creating an Athletic Trainer Advisory Committee; authorizing the setting of educational standards, certification standards and fees, for the renewal, revocation and suspension of certifications; further providing standards for the practice of physical therapy; making an appropriation; and providing penalties for violations of the act.

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 ZEMPRELLI. Mr. President, Senate Bill No. 525 is a bill that has given rise to a great deal of consternation over the last few days. There is no question that those who are in the practice of providing health care had various and divergent views as to what this bill is all about. Being an original sponsor of the bill together with other Members of the leadership, it was my understanding we were, in effect, doing certain things with respect to upgrading the practice of physical therapy. Impressive persons such as Franco Harris and others who have dealt in this area demonstrated that, perhaps, there was a need to provide some regulation and to establish some basis for prohibiting the use of certain terms that might give rise to erroneous conclusions as to the type of practice involved and the procedures to be used. At that time, little did I know there would be a collateral and tangential argument among the professionals as to what affect there would be upon that particular profession. It got into the issue of definition and who was included as a practitioner within that definition. It got into the collateral issue of who would have the right to bill for services in the nature of physical therapy. Most perplexing of all is it got into the issue of semantics and

the use of collateral words maybe having the same meaning, all of which related to the essence of one's ability to practice a particular profession for which he was licensed. It allowed for a hodgepodge of heterogeneous and conflicting reasoning and ploy for preference in a measure that had no direct relationship to the interest of those who were attempting to collaterally attack the bill in one way or another.

Mr. President, I am pleased to advise the members of the various professions that there was one thread that ran through all of this, at least among the leadership, and that was that it was not the intent of this bill to give any of the practitioners anything other than what they then enjoyed under existing law. Likewise, we should not diminish or take away from other professionals something they, at least, believed they had a right to enjoy albeit not embrace it in this legislation. Quite frankly, I think we have arrived at a reasonable compromise.

I am no longer perplexed by trying to resolve whether physiological therapeutics is, in fact, physical therapy. I am no longer concerned about modals in their relationship to the parent word of physical therapy. Quite frankly, I do not want to be concerned about these various and similar definitions that have more meaning to persons other than myself. What I am suggesting, Mr. President, is if those problems existed before, they certainly now exist again. What I needed to be satisfied about and what I am satisfied about is in the enactment of this legislation before us, in the form it has been adopted, in the judgment of this fellow from Clairton, Pennsylvania who was never too smart, we have neither improved the position of any professional practitioner nor have we diminished his powers. It is important for me to say that simply because that was the objective of this speaker and it also has been the objective of other speakers and sponsors, although at times we questioned whether or not we were arriving at that result, it is my understanding the professionals have agreed upon the language of the amendment. It is also my understanding that any formidable resistance to this legislation, at least as far as the Senate is concerned, has been removed. It would, therefore, Mr. President, be my logical belief that we should now be in a position to act affirmatively on this legislation and I ask the Senate of Pennsylvania to do so.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDING OFFICER. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, does the bill in any way require any athletic team, particularly a high school team, to employ at least one or any certified athletic trainers as defined within the act?

Senator JUBELIRER. No, Mr. President, it does not.

Senator BRIGHTBILL. Mr. President, does the bill in any way put any kind of a mandate on any athletic team or any high school requiring it to employ certified athletic trainers?

Senator JUBELIRER. Mr. President, no, it does not.

Senator BRIGHTBILL. Mr. President, is this bill voluntary on the part of all participants?

Senator JUBELIRER. Mr. President, the gentleman is correct in his assessment.

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—50

Andrezski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 662 (Pr. No. 744) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for irregular ballots.

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—50

Andrezski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 791 (Pr. No. 920) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the assignment of three points for failing to stop at a red light before turning into an intersection where turn-on-red is permitted.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

Andrezski	Holl	Moore	Shumaker
Bodack	Hopper	Musto	Singel
Brightbill	Howard	O'Connell	Snyder
Corman	Jubelirer	O'Pake	Stapleton
Early	Kratzer	Pecora	Stauffer
Fisher	Kusse	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hager	Lloyd	Romanelli	Williams
Hankins	Loeper	Ross	Wilt
Helfrick	Lynch	Scanlon	Zemprelli
Hess	Mellow	Shaffer	

NAYS—3

Bell	Kelley	Street
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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 884 (Pr. No. 1423) — 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," eliminating certain mandatory retirement.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEAS—49

Andrezski	Holl	Mellow	Shumaker
Bell	Hopper	Moore	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess			

NAYS—1

Musto

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 885 (Pr. No. 1424) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 15, 1951 (P. L. 586, No. 144), entitled “An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class,” eliminating certain mandatory retirement.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O’Connell	Snyder
Brightbill	Jubelirer	O’Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 886 (Pr. No. 1425) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1945 (P. L. 1232, No. 427), entitled “An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class;....,” eliminating certain mandatory retirement.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

Andrezeski	Holl	Mellow	Shumaker
Bell	Hopper	Moore	Singel
Bodack	Howard	O’Connell	Snyder
Brightbill	Jubelirer	O’Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess			

NAYS—1

Musto

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 887 (Pr. No. 1426) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1941 (P. L. 84, No. 45), entitled “An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members;....,” eliminating certain mandatory retirement.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O’Connell	Snyder
Brightbill	Jubelirer	O’Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 888 (Pr. No. 1427) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1933 (P. L. 1108, No. 272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class;....," eliminating certain mandatory retirement.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

Andrezeski	Holl	Mellow	Shumaker
Bell	Hopper	Moore	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess			

NAYS—1

Musto

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 889 (Pr. No. 1428) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 27, 1939 (P. L. 1207, No. 405), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity, in cities of the second class;....," eliminating certain mandatory retirement.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman

Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 890 (Pr. No. 1429) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 10, 1951 (P. L. 1189, No. 265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class;....," eliminating certain mandatory retirement.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 891 (Pr. No. 1430) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1907 (P. L. 206, No. 167), entitled "An act to regulate and improve the civil service of the cities of the second class in the Commonwealth of Pennsylvania;....," eliminating certain mandatory retirement.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 892 (Pr. No. 1431) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1974 (P. L. 296, No. 94), entitled "An act providing for the appointment, promotion, reduction in rank, suspension, furlough, discharge and reinstatement of deputy sheriffs in counties of the second class;....," eliminating certain mandatory retirement.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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 RECOMMENDED

SB 893 (Pr. No. 1432) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," eliminating certain mandatory retirement.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Local Government.

SB 894 (Pr. No. 1433) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1915 (P. L. 596, No. 259), entitled "Second Class City Employee Pension Law," eliminating certain mandatory retirement.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Local Government.

SB 895 (Pr. No. 1434) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," eliminating certain mandatory retirement.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Local Government.

SB 896 (Pr. No. 1435) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 20, 1915 (P. L. 566, No. 242), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities;....," eliminating certain mandatory retirement.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Local Government.

SB 897 (Pr. No. 1436) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," eliminating certain mandatory retirement.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Local Government.

SB 898 (Pr. No. 1437) — 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," eliminating certain mandatory retirement.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Local Government.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 899 (Pr. No. 1438) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," eliminating certain mandatory retirement.

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 PRESIDENT pro tempore (Henry G. Hager) in the Chair.

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

YEAS—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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

HB 1004 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 25 and **HB 92** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 256 (Pr. No. 2006) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the cutting, digging, removal, transportation or sale within this Commonwealth for any purpose of Christmas trees, evergreen boughs or shrubs, without a bill of sale or other proof of ownership from the owner of the land on which the same are grown; and providing a penalty.

The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator STAPLETON offered the following amendment:

Amend Title, page 1, line 3, by striking out "evergreen boughs or shrubs,"

Amend Bill, page 1, by inserting between lines 7 and 8:

Section 1. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Trees" or "Christmas trees." Any Red Pine, Scotch Pine, White Pine, Austrian Pine, Southwestern White Pine, Norway Spruce, White Spruce, Colorado Blue Spruce, Serbian Spruce, Douglas Fir, Concolor Fir, Balsam Fir and Fraser Fir.

Amend Sec. 1, page 1, line 8, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, line 12, by striking out "evergreen boughs or shrubs"

Amend Sec. 2, page 1, line 13, by striking out "2" and inserting: 3

Amend Sec. 2, page 1, line 15, by striking out "boughs or shrubs,"

Amend Sec. 2, page 1, line 16, by striking out "1" and inserting: 2

Amend Sec. 2, page 2, line 7, by striking out "bough or shrub"

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting: 4

Amend Sec. 3, page 2, lines 15 and 16, by striking out "boughs or shrubs"

Amend Sec. 3, page 2, line 16, by striking out "1" and inserting: 2

Amend Sec. 3, page 2, line 18, by striking out "2" and inserting: 3

Amend Sec. 4, page 2, line 24, by striking out "4" and inserting: 5

Amend Sec. 4, page 2, lines 26 and 27, by striking out "boughs or shrubs"

Amend Sec. 4, page 2, line 27, by striking out "1" and inserting: 2

Amend Sec. 4, page 2, line 29, by striking out "2" and inserting: 3

Amend Sec. 5, page 2, line 30, by striking out "5" and inserting: 6

Amend Sec. 5, page 3, line 8, by striking out "boughs or shrubs"

Amend Sec. 5, page 3, line 8, by striking out "1" and inserting: 2

Amend Sec. 5, page 3, line 10, by striking out "boughs or shrubs"

Amend Sec. 6, page 3, line 15, by striking out "6" and inserting: 7

Amend Sec. 7, page 3, line 21, by striking out "7" and inserting: 8

Amend Sec. 7, page 3, lines 28 and 29, by striking out "bough or shrub"

Amend Sec. 7, page 3, line 29, by striking out "1, 2, 3 and 4" and inserting: 2, 3, 4 and 5

Amend Sec. 8, page 3, line 30, by striking out "8" and inserting: 9

Amend Sec. 8, page 4, line 8, by striking out "2" where it appears the first time and inserting: 3

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

Amend Sec. 10, page 4, line 13, by striking out "10" and inserting: 11

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 STAPLETON.

BILLS OVER IN ORDER

SB 277, 408, 442, 450 and 508 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AND RECOMMITTED

HB 533 (Pr. No. 1691) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for penalties on the utilities gross receipts tax.

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

Upon motion of Senator JUBELIRER, and agreed to the bill just considered was recommitted to the Committee on Finance.

BILLS OVER IN ORDER

SB 698, 729, HB 743, SB 907 and 951 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SB 508 CALLED UP

SB 508 (Pr. No. 1445) — Without objection, the bill, which previously went over in its order, was called up, from page 7 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL RECOMMITTED

SB 508 (Pr. No. 1445) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the operation, expansion and delivery of cable communications services; imposing powers and duties on municipalities; validating certain existing contracts and imposing additional powers and duties on the Department of Community Affairs.

Upon motion of Senator JUBELIRER, and agreed to the bill was recommitted to the Committee on Local Government.

BILL ON SECOND CONSIDERATION

SB 985 (Pr. No. 1444) — 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 1983-1984," itemizing public improvement projects, furniture and equipment projects and highway safety and improvement projects to be constructed or acquired by the Department of General Services or the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services or the Department of Transportation;

stating the estimated useful life of the projects; and making an appropriation.

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

BILLS OVER IN ORDER

SB 994, 995, 1041, 1045, 1053 and 1060 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

ANNOUNCEMENT BY THE CHAIR

The PRESIDENT pro tempore. All Members of the Senate are advised by the Chair that there is a supplemental Calendar which will be coming to the Senate shortly. There will be a roll call vote taken on House Bill No. 6, as amended by the Senate, this day.

SUPPLEMENTAL CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 6 (Pr. No. 2056) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a program of limited pharmaceutical assistance for the elderly; granting powers to and imposing duties on the Department of Aging; establishing a payment system; making provisions for funding; providing for reports; and fixing penalties for violations of the pharmaceutical assistance program.

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 LLOYD. Mr. President, in anticipation of passage of House Bill No. 6, let me quote a radio personality from central Pennsylvania and simply state, "It's a beautiful day in Pennsylvania."

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger

Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

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.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

SB 1091 (Pr. No. 1456) (Amended)

An Act amending Titles 40 (Insurance), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing freedom of choice in the purchase of motor vehicle insurance; providing for first party benefits; providing for an Assigned Claims Plan and Assigned Risk Plan; providing for uninsured and underinsured motorist coverage; providing for certain fraudulent practices and related immunity; prohibiting certain practices of attorneys at law; further providing for financial responsibility; and making a repeal.

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bills:

SB 858 (Pr. No. 1455) (Amended)

An Act amending the act of July 1, 1978 (P. L. 584, No. 109), entitled "Milrite Act," authorizing the Milrite Council to make feasibility study loans and to provide technical assistance to qualified employee groups, their labor representatives or other groups to help finance feasibility studies of the purchase of existing businesses in Pennsylvania which are in danger of being shut down or moving out of the Commonwealth; providing for administrative assistance; specifying the procedures to be followed in making such loans; and making an appropriation.

SB 900 (Pr. No. 1061)

An Act amending the act of November 29, 1967 (P. L. 636, No. 292), entitled "Neighborhood Assistance Act," increasing the total amount of tax credits allowable in any one fiscal year.

SB 1015 (Pr. No. 1271)

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), entitled "Pennsylvania Industrial Development Authority Act," including railroad lines in the definition of "industrial development project."

SB 1057 (Pr. No. 1341)

An Act establishing the Pennsylvania International Trade Council; granting powers and duties; and making an appropriation.

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 Dan Goetz by Senator Fisher.

Congratulations of the Senate were extended to Josephine Moss by Senator Hankins.

Congratulations of the Senate were extended to Kathryn Jane Grove and to the Wormleysburg Fire Department by Senator Hopper.

Congratulations of the Senate were extended to Katherine A. Margerum by Senators Howard and Loeper.

Congratulations of the Senate were extended to the Cooperburg Moravian Church by Senator Kratzer.

Congratulations of the Senate were extended to Mr. James J. Gannon by Senator Lloyd.

Congratulations of the Senate were extended to Mr. and Mrs. William Jenning Bryan McDonald, Sr. by Senator Moore.

Congratulations of the Senate were extended to Eleanor C. Gray, Gary C. Goodlin, Walter J. Fitzmartin and to Thaddeus "Ted" M. Luczak by Senator Pecora.

Congratulations of the Senate were extended to Francis R. Mongi and to William T. Richards by Senator Rhoades.

Congratulations of the Senate were extended to Dr. Allen T. Bonnell, Edward Palumbo, Henry Jones, Rose Riggio, William Brescia, Charlotte Butler, Louis Snyderman, William Levin, Jack Sebastian, Joseph Haggerty, Melvin Brennen, Margaret Mahoney, Joseph Donahue, Michael Speranza, Arthur W. Thomas and to the Pennsylvania Sports Hall of Fame by Senator Rocks.

Congratulations of the Senate were extended to George Flinko and to Kate Rogerson by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. J. Elmer Martin, Mr. and Mrs. Glenn Bennington, Sr. and to Mr. and Mrs. Joseph Kern by Senator Stout.

Congratulations of the Senate were extended to Edna L. Bennington by Senator Wilt.

BILLS ON FIRST CONSIDERATION

Senator PECORA. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 858, 900, 1015, 1057 and 1091.

And said bills having been considered for the first time,

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

COMMUNICATION FROM THE GOVERNOR**SURPLUS PROPERTY DISPOSITION
PLAN NO. 1 OF 1983**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

COMMONWEALTH OF PENNSYLVANIA
Governor's Office
Harrisburg

October 25, 1983

**TO THE GENERAL ASSEMBLY OF THE
COMMONWEALTH OF PENNSYLVANIA**

By the authority vested in me by Article XXIV-4 of the act of July 1, 1981 (P.L. 143, No. 48) entitled "Disposition of Commonwealth Surplus Land," I transmit herewith the 1983 Surplus Property Disposition Plan.

The annual Surplus Property Disposition Plan, required by Act 48 of 1981, provides for the systematic management of Commonwealth-owned real estate assets and the efficient disposition of surplus holdings. The Plan also ensures that all conveyances are made for fair consideration predicated upon fair market value.

Contained in the Plan for 1983 are four (4) properties whose usefulness to State Government has ceased. However, their desirability and value for other purposes is substantial. The properties vary in size, nature, and geographic locations. Any special considerations, such as zoning restrictions, agricultural and open space requirements, retention of mineral rights, and easements and leases presently in effect, have been identified for each parcel.

Pursuant to Act 48 of 1981, the Plan has been transmitted to the Chairmen and the Minority Chairmen of the House and Senate State Government Committees. The House and Senate Committees conducted a joint public hearing on September 27, 1983, as a part of their review of the Plan and have advised the Department of General Services of their findings.

The Department of General Services has also invited public comments on the Plan through publication in the Pennsylvania Bulletin, Vol. 13, No. 35, Saturday, August 27, 1983. In addition, pursuant to Act 48, the Department has requested and received the Attorney General's review of the Plan for form and legality.

Legislative consideration of the sale of the properties contained in the Plan will result in substantial benefits to the Commonwealth, including the return of idle real estate to local tax rolls, the reduction of state exposure to liability and other insurance risks, and the elimination of excessive security and maintenance costs.

I, therefore, transmit to you and urge your approval of the 1983 Surplus Property Disposition Plan.

DICK THORNBURGH,
Governor

The PRESIDENT pro tempore. This will appear on the Calendar as Surplus Property Disposition Plan No. 1 of 1983.

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:

October 26, 1983

HB 178 — Committee on State Government.

HB 291 — Committee on Law and Justice.

HB 1241, 1405 and 1446 — Committee on Consumer Protection and Professional Licensure.

HOUSE RESOLUTIONS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolutions for concurrence, which were referred to the committees indicated:

October 26, 1983

House Concurrent Resolution No. 135 — Committee on Law and Justice.

House Concurrent Resolution No. 140 — Committee on Finance.

House Concurrent Resolution No. 141 — Committee on Agriculture and Rural Affairs.

GENERAL COMMUNICATIONS**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:

October 26, 1983

Senators FISHER, SCANLON, WILT and EARLY presented to the Chair **SB 1113**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 26, 1983.

Senators SINGEL, KELLEY, STAPLETON, REIBMAN and EARLY presented to the Chair **SB 1114**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing claims for compensation by certain additional victims of crimes.

Which was committed to the Committee on JUDICIARY, October 26, 1983.

Senator TILGHMAN presented to the Chair **SB 1115**, entitled:

An Act repealing any authorization for construction of an interchange with the West Chester Pike and the Mid-county Expressway in Delaware County.

Which was committed to the Committee on APPROPRIATIONS, October 26, 1983.

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 206**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators LOEPER, FISHER and O'PAKE as a Committee of Conference on the part of the Senate to

confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 206.

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

BILLS SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the presence of the Senate signed the following bills:

SB 632, HB 7, 573 and 822.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

THURSDAY, OCTOBER 27, 1983

12:00 Noon	URBAN AFFAIRS AND	Room 120,
to	HOUSING (Public Hearing	David Lawrence
8:00 P.M.	on Mortgage Foreclosures)	Auditorium,
		University of
		Pittsburgh,
		Forbes Avenue,
		Pittsburgh

THURSDAY, NOVEMBER 3, 1983

3:00 P.M.	Independent Regulatory	Heritage Rm. A,
	Review Commission	333 Market St.

WEDNESDAY, NOVEMBER 9, 1983

11:00 A.M.	Public Employee Retirement Study Commission	Room 459, 4th Floor Conference Rm., North Wing
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MONDAY, NOVEMBER 14, 1983

1:00 P.M.	AGING AND YOUTH (agenda to be announced at a later date)	Room 461, 4th Floor Conference Rm., North Wing
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WEDNESDAY, NOVEMBER 16, 1983

9:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider the problems with Nursing Homes with regards to State regulations and reimbursement; Personal Care Boarding Homes and their problems with State regulations and reimbursement)	Room 461, 4th Floor Conference Rm., North Wing
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9:30 A.M.	Joint Senate and House AGRICULTURE AND RURAL AFFAIRS Committees (to view	Senate Majority Caucus Room
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the film "Pennsylvania Milk Story")

THURSDAY, NOVEMBER 17, 1983

3:00 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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RECESS

Senator MOORE. Mr. President, for the information of the Members of the Senate, there will not be any more voting on the floor of the Senate today or until the Senate returns on November 14th.

At this time I request a recess of the Senate subject to recall by the Chair.

The PRESIDENT pro tempore. Subject to the recall of the Chair, the Senate is now in recess.

AFTER RECESS

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 6**.

BILLS SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the presence of the Senate signed the following bills:

HB 6 and 96.

ADJOURNMENT

Senator MOORE. Mr. President, I move that the Senate do now adjourn until Monday, November 14, 1983, 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 7:06 p.m., Eastern Daylight Saving Time.