

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, DECEMBER 13, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 91

SENATE

TUESDAY, December 13, 1983.

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

The PRESIDENT (Lieutenant Governor William W. Scranton III) in the Chair.

PRAYER

The Chaplain, the Reverend Mr. LUKE E. KAUFFMAN, Pastor of Grace Brethren Church, Myerstown, offered the following prayer:

I will read a verse from the words of St. Paul:

“Be anxious for nothing; but in everything by prayer and supplication with thanksgiving let your requests be made known unto God.

“And the peace of God, which passeth all understanding, shall keep your hearts and minds through Christ Jesus.”

Let us pray.

Our Father, today we ask first for a servant's heart. Help us to maintain godlike humility.

We then pray for those who lead us. We thank You, Lord, for our Governor. We ask that his day might be profitable. We ask for our distinguished Lieutenant Governor and all Senators and all their staff, their families and their constituents that this day they might sense the divine providence of God leading them into decisions that they have peace in their heart making.

We pray for our country, our dear President Reagan and all who assist him, and may freedom today be most evident around the world. In Christ's name we pray. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 12, 1983.

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

LEGISLATIVE LEAVES

Senator SCANLON. Mr. President, I request temporary legislative leaves of absence for Senator O'Pake, Senator Andrezeski and Senator Mellow.

I also request legislative leaves of absence for Senator Reibman and Senator Romanelli for the week.

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

HOUSE MESSAGES

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **SB 206**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 256, 743 and 1342**.

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:

December 13, 1983

HB 824, 825 and 1672 — Committee on Judiciary.

HB 1194 and 1209 — Committee on Transportation.

GENERAL COMMUNICATION

ANNUAL FINANCIAL REPORT TEMPLE UNIVERSITY

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

TEMPLE UNIVERSITY
of the Commonwealth System
of Higher Education
Philadelphia, Pennsylvania 19122

December 9, 1983

The Honorable Mark R. Corrigan
Room 462 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Secretary Corrigan:

In compliance with the act of 11(A), June 19, 1982, I submit to you herewith the Audited Financial Statements for Temple University for the fiscal year ended June 30, 1983.

Very truly yours,
LAWRENCE C. CONNOLLY
Associate Vice President
for Financial Operations
and Assistant Treasurer

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

BILLS SIGNED

The PRESIDENT (Lieutenant Governor William W. Scranton III) in the presence of the Senate signed the following bills:

SB 206, 966, 967, HB 256, 379, 743, 1342 and 1438.

REPORTS FROM COMMITTEE

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

SB 1139 (Pr. No. 1492)

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled "The Fiscal Code," providing additional powers for the investment of moneys; providing for the issuance and refinancing of tax anticipation notes; and further providing for the temporary financing and refinancing of capital projects prior to the sale of bonds.

HB 1662 (Pr. No. 2102)

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

GENERAL COMMUNICATIONS

DISCHARGE PETITIONS

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

In the Senate, December 13, 1983.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part ".... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on October 3, 1983; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Cynthia Fink	Member Potter County Board of Assistance
Edward P. Zemprelli	
Eugene F. Scanlon	
Robert J. Mellow	
Francis J. Lynch	
James E. Ross	

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

In the Senate, December 13, 1983.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part ".... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on October 3, 1983; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Robert E. Wagner, M.D.	Member Potter County Board of Assistance
Edward P. Zemprelli	
Eugene F. Scanlon	
Robert J. Mellow	
Francis J. Lynch	
James E. Ross	

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

LEGISLATIVE LEAVE CANCELLED

Senator O'PAKE. Mr. President, since I am present in the Chamber, I withdraw the temporary legislative leave of absence that was requested on my behalf.

The PRESIDENT. The record will so indicate.

CALENDAR

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED BY THE SENATE
SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED BY THE SENATE**

SB 950 (Pr. No. 1595) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1982 (P. L. 1227, No. 281), entitled "Architects Licensure Law," providing for the reestablishment and continuation of the Architects Licensure Board; further providing for membership on the board; providing for review of the board; further providing for meetings of the board, per diem for members and civil penalties; and making editorial changes.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House as amended by the Senate to Senate Bill No. 950.

On the question,

Will the Senate agree to the motion?

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

YEAS—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.

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 3:30 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 3:30 p.m., Eastern Standard Time.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

Senator SCANLON. Mr. President, I request a legislative leave of absence for the remainder of the evening for Senator Fumo.

Senator JUBELIRER. Mr. President, I request legislative leaves of absence for Senator Hager and Senator O'Connell.

The PRESIDING OFFICER. The Chair hears no objection and the leaves are granted.

**CONSIDERATION OF CALENDAR RESUMED
SPECIAL ORDER OF BUSINESS**

SB 763 CALLED UP OUT OF ORDER

SB 763 (Pr. No. 1584) — Without objection, the bill was called up out of order, from page 2 of the Calendar, by Senator STAUFFER, under Bill on Concurrence in House Amendments, as a Special Order of Business.

SENATE AMENDS HOUSE AMENDMENTS

SB 763 (Pr. No. 1584) — The Senate proceeded to consideration of the bill, entitled:

An Act imposing regulations and licensing requirements on auctioneers, apprentice auctioneers, auction houses and auction companies; imposing powers and duties on the State Board of Auctioneer Examiners; and making repeals.

MOTION TO SUSPEND RULES

Senator STAUFFER. Mr. President, I move to suspend the Rules of the Senate to offer an amendment to House amendments to Senate Bill No. 763.

The motion was agreed to.

Senator STAUFFER, by unanimous consent, offered the following Senate amendments to House amendments:

Amend Sec. 3, page 6, lines 29 and 30; page 7, line 1, by striking out all of said lines on said pages

Amend Sec. 31, page 29, line 11, by striking out "THE EFFECTIVE DATE OF THIS ACT" and inserting: December 31, 1983

Amend Sec. 31, page 30, line 6, by striking out "ACTUAL" and inserting: reasonable

Amend Sec. 32, page 31, line 8, by inserting after "act.":

Each rule and regulation of the board in effect on December 31, 1983, shall remain in effect after such date until repealed or amended by the board.

Amend Sec. 33, page 31, line 9, by striking out "Disposition of fees" and inserting: Fees

Amend Sec. 33, page 31, line 10, by striking out "All" and inserting:

(a) Existing fees.—All fees fixed pursuant to section 203 of the act of July 1, 1978 (P.L.700, No.124), known as the Bureau of Professional and Occupational Affairs Fee Act, shall continue in full force and effect until changed by the board.

(b) Disposition.—All

On the question,

Will the Senate agree to Senate amendments to House amendments?

They were agreed to.

The PRESIDING OFFICER. Senate Bill No. 763 will go over, as amended.

HB 500 CALLED UP OUT OF ORDER

HB 500 (Pr. No. 2328) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 500 (Pr. No. 2328) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Housing Finance Agency Law," approved December 3, 1959 (P. L. 1688, No. 621), providing for homeowner's emergency assistance.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

STREET AMENDMENT I

Senator STREET, on behalf of himself and Senators Lloyd and Singel, by unanimous consent, offered the following amendment:

Amend Sec. 2 (Sec. 403-C), page 20, line 7, by inserting after "ARTICLE.": Financial institutions shall not be the duly authorized agents of the agency and shall not make the decision on the approval of assistance under this act.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

STREET AMENDMENT II

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

Amend Sec. 2 (Sec. 404-C), page 22, line 23, by inserting after "OTHER": procedural

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

STREET AMENDMENT III

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

Amend Sec. 2 (Sec. 405-C), page 26, line 21, by inserting after "PROPERTY.": In cases of joint mortgagors who are husband and wife, where only one spouse who is an occupant of the mortgaged premises makes application for and receives assistance under this article, the lien to secure repayment as aforesaid shall be a lien on the property of like, force and effect as a mechanic's lien.

On the question,

Will the Senate agree to the amendment?

Senator PECORA. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Street.

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

Senator STREET. I will, Mr. President.

Senator PECORA. Mr. President, does the gentleman realize that this amendment is an illegal procedure and would make this legislation unconstitutional? Regarding this divorce amendment which is being introduced by the gentleman from Philadelphia, Senator Street, I would like to say there is no way possible this amendment could be approved because it is unconstitutional to hold one spouse responsible for another spouse's action pertaining to the ownership of property.

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

Senator STREET. Mr. President, I have no basis on which to determine whether it would be unconstitutional or not. I think it was a premature conclusion on the part of the gentleman.

Senator PECORA. Mr. President, as one example, two married persons are separated and one is living in the residence. If that person signs an agreement for mortgage assistance, the other separated or divorced spouse could object to the repayment back to the Commonwealth of Pennsylvania. Legally we cannot hold the spouse responsible who did not sign the agreement. I feel we would be making a blunder here if this amendment is approved because it could hurt the total package of legislation we are introducing today to help the needy with their mortgage problems in Pennsylvania.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—33

Andrezeski	Kelley	O'Pake	Singel
Bodack	Lewis	Reibman	Stapleton
Early	Lincoln	Rhoades	Stout
Fisher	Lloyd	Rocks	Street
Fumo	Lynch	Romanelli	Tilghman
Hankins	Mellow	Ross	Williams
Helfrick	Musto	Scanlon	Wilt
Holl	O'Connell	Shaffer	Zemprelli
Jubelirer			

NAYS—17

Bell	Hess	Kusse	Shumaker
Brightbill	Hopper	Loeper	Snyder
Corman	Howard	Moore	Stauffer
Greenleaf	Kratzer	Pecora	Wenger
Hager			

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

The PRESIDENT pro tempore. House Bill No. 500 will go over, as amended.

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I request a legislative leave of absence for Senator Hankins. I hope it is not temporary. If possible, I hope we will be out of here by the time he returns. He is attending a PHEAA meeting at this time.

The PRESIDENT pro tempore. Senator Hankins is now right here?

Senator ZEMPRELLI. Mr. President, Senator Hankins is on his way. He is in transit.

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 11 (Pr. No. 1457) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring school buses to stop at all railroad crossings; further providing for speed timing devices; permitting local authorities to designate and use roads for nonvehicular purposes; further providing for limited exemptions from the axle tax and for the issuance of registration and certificates of title; and providing for the marketing of gasoline products.

Senator JUBELIRER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 11, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

BILL OVER IN ORDER

SB 603 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 985 (Pr. No. 1583) — 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, redevelopment assistance projects and transportation assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Community Affairs, or the Pennsylvania Fish Commission 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 or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs; stating the estimated useful life of the projects; and making an appropriation.

Senator JUBELIRER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 985, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

BILL OVER IN ORDER

SB 995 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

SB 707 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

LEGISLATIVE LEAVE CANCELLED

Senator ANDREZESKI. Mr. President, inadvertently, when we started this part of our Session I was placed on legislative leave of absence. Earlier, I was on legislative leave of absence for the opening vote of today's Session. Since then I have been in attendance on the Senate floor.

The PRESIDENT pro tempore. The record will so indicate.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

SB 983 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILLS OVER IN ORDER

SB 705 (Pr. No. 1529) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," expanding the general powers to include steam and electric power facilities.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 4), page 3, line 9, by striking out "surplus"
Amend Sec. 1 (Sec. 4), page 3, line 10, by striking out "dams,"
Amend Sec. 1 (Sec. 4), page 3, line 11, by inserting after "or":
any dams ancillary thereto,

Amend Sec. 1 (Sec. 4), page 3, line 11, by inserting after
"plants," or any dams ancillary thereto, or flood control dams

Amend Sec. 1 (Sec. 4), page 3, by inserting between lines 21
and 22:

(iii) dams ancillary to water supply works, water distribution systems, sewage treatment plants or flood control projects shall be construed to include existing dams which were originally constructed and used ancillary to such purposes but which ancillary use has since been discontinued.

On the question,

Will the Senate agree to the amendment?

Senator BODACK. Mr. President, I desire to interrogate the gentleman from Centre, Senator Corman.

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

Senator CORMAN. I will, Mr. President.

Senator BODACK. Mr. President, would the gentleman explain what the amendment does?

Senator CORMAN. Mr. President, this particular piece of legislation, Senate Bill No. 705, specifies additional powers that authorities may undertake to produce steam on a sale-for-resale basis. Among other things that they may use to produce steam are dams, and this further clarifies what dams we are speaking of. We are talking about any dam that is ancillary to a flood control dam or a water supply dam or dams of the nature that are already in existence as opposed to any new dam that may be considered to be constructed by authorities. If I may say, the authorities have worked with me on this particular identification of what dams we are talking about for quite a few months and the authorities themselves have no particular problem with this amendment.

Senator BODACK. Mr. President, could the gentleman tell us on the first portion of his amendment, "Section 4, page 3, line 9, striking out the word surplus," what that means?

Senator CORMAN. Mr. President, on page 3 of the bill, line 9, it reads, "facilities for generating surplus electric power," and my amendment, among other things, would strike out the word "surplus." The reason that was done was in that section it spoke of surplus electric power and if we drop down to line 13, it only talked about electric power generated and there was an inconsistency. We could have either put surplus in below or excluded surplus above. We decided to make it consistent by removing the word surplus so that courts who may be called upon to examine this issue in the future would not wonder themselves why we are talking about surplus electric power in one place and not in another. We merely tried to provide consistency.

Senator BODACK. Mr. President, I would like to ask the gentleman what bearing the removal of that word has on the ability to generate electric power for resale to electric companies?

Senator CORMAN. Mr. President, I do not think it really has any bearing because we already have a law that says if they produce excess electric power the utility must buy it and it has established what they will pay for it. They buy it from them on a sale-for-resale basis. That is why we did not think it really had any bearing on the law and it would not cause any problem to remove the word "surplus" in that particular sentence.

Senator BODACK. Mr. President, I would like to point out for all the Members of the Senate that the bill, as it was originally introduced by the gentleman from Centre, Senator Corman, was not a bad bill, it was workable and it gives certain powers to authorities. I would like to further point out that the inclusion of the word "surplus" in this bill does grant

to the various authorities and municipalities the power to use dams to make power and to sell electricity which by federal law must be purchased by the power companies, all generating capacity output that is in excess of what is needed by the municipality or the authority. What the amendment does is it simply takes that away from the local municipalities, including the authority, and it also, by inserting this amendment, narrows which dams can be used. There are currently, Mr. President, many dams in existence that could very easily be converted by a municipality or a municipal authority for use in generating electric power. Under the amendment the gentleman proposes, an authority or a municipality could not buy or build any new dams or have any bought or built for the specific purpose of electric power generation. Based on those facts, Mr. President, it is another way of giving it to the consumers in the neck in this state. I urge and ask for a "no" vote on this particular amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator WILLIAMS. Mr. President, I believe the Chair heard me say "aye" when I actually said "no."

The PRESIDENT pro tempore. The gentleman will be recorded in the negative.

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

YEAS—20

Brightbill	Holl	Kusse	Shumaker
Corman	Hopper	Loeper	Stout
Fisher	Howard	Moore	Street
Hager	Jubelirer	O'Connell	Tilghman
Helfrick	Kratzer	Shaffer	Wilt

NAYS—30

Andrezeski	Kelley	Pecora	Singel
Bell	Lewis	Reibman	Snyder
Bodack	Lincoln	Rhoades	Stapleton
Early	Lloyd	Rocks	Stauffer
Fumo	Lynch	Romanelli	Wenger
Greenleaf	Mellow	Ross	Williams
Hankins	Musto	Scanlon	Zemprelli
Hess	O'Pake		

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

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

SB 1017 and 1023 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1103 (Pr. No. 1550) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of rape.

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 ON THIRD CONSIDERATION AMENDED

SB 1132 (Pr. No. 1485) — 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," prohibiting borough employees from serving as elected officials of that borough.

Considered the third time,

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

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

Amend Title, page 1, lines 4 and 5, by striking out both of said lines and inserting: elected officials of boroughs from serving as employees of that borough.

Amend Sec. 1 (Sec. 1104), page 1, line 17, by inserting after "No": elected

Amend Sec. 1 (Sec. 1104), page 1, line 18, by striking out "employee" and inserting: official

Amend Sec. 1 (Sec. 1104), page 1, line 18, by striking out "elected borough official" and inserting: employee

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 CORMAN.

HB 1137 (Pr. No. 2201) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding an offense and providing a penalty.

Considered the third time,

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

Senator O'PAKE, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 4107.2), page 1, lines 10 and 11, by striking out "misdemeanor of the second" and inserting: felony of the third

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

It was agreed to.

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1229 (Pr. No. 2325) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the Surface Mining Conservation and Reclamation Act, approved May 31, 1945 (P. L. 1198, No. 418), exempting municipalities from the bond requirement relating to the operation of gravel pits; providing for self-insurance; and changing the effective date of application of certain provisions to noncoal mining activities.

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.

LEGISLATIVE LEAVE

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Holl.

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 1391 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

HB 1454 (Pr. No. 2327) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3, page 9, line 27, by striking out "traveling" and inserting: reasonable traveling, hotel

Amend Sec. 27, page 40, line 1, by inserting after "Salesmen": December 31, 1983

Amend Sec. 27, page 40, line 1, by striking out "said board" and inserting: the board created under this act

Amend Bill, page 40, by inserting between lines 4 and 5":

Section 28. Existing rules and regulations.

Each rule and regulation of the board in effect on December 31, 1983, shall remain in effect after such date until repealed or amended by the board.

Amend Sec. 28, page 40, line 5, by striking out "28" and inserting: 29

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 KUSSE.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 729 (Pr. No. 1591) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), entitled "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," increasing the total authorization for bridge projects; adding projects in Delaware, Luzerne, Montgomery, Washington and McKean Counties; changing a bridge reference in Northampton County; and increasing debt authorization and appropriation.

Considered the second time and agreed to,

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

SB 858 (Pr. No. 1592) — The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

MEETING OF THE COMMITTEE ON FINANCE

The PRESIDENT pro tempore. The Chair has been asked by Senator Howard to announce that the recessed meeting of the Committee on Finance will take place in the Rules Committee room immediately. All Members of the Committee on Finance will please report to the Rules Committee room in the southeast corner of the Senate Chamber.

SECOND CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 35 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED AND OVER IN ORDER TEMPORARILY

HB 350 (Pr. No. 2289) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to euthanasia of pet animals; prohibiting certain methods of euthanasia; providing for a limited license to dispense certain drugs; providing for regulation and enforcement; and providing penalties.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 5, by inserting after "ENFORCEMENT"; providing for use of certain surplus funds

Amend Bill, page 5, by inserting between lines 7 and 8:

Section 7. Surplus funds.

Whenever the Secretary of Agriculture declares that there is a surplus of money in the Dog Law Restricted Account, he may provide payment to those persons who qualify under rules and regulations of the Department of Agriculture for reimbursement of losses sustained as a result of compliance with the provisions of this act.

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

Amend Sec. 8, page 5, line 12, by striking out "8" and inserting: 9

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

AMENDMENT OFFERED

Senator WENGER offered the following amendment:

Amend Sec. 2, page 2, lines 3 through 9, by striking out "CHLOROFORM, ETHER, HALOTHANE OR" in line 3, all of lines 4 through 9, and inserting: Nothing in this act shall prevent a person or Humane Society organization from euthanizing a pet animal by means of firearms.

Amend Sec. 3, page 2, line 19, by striking out "5" and inserting: 6

Amend Bill, page 4, by inserting between lines 14 and 15:

Section 5. Use of carbon monoxide euthanasia systems.

(1) Carbon monoxide gas may be used to perform euthanasia on animals seven weeks of age or older.

(2) Chloroform, ether, halothane or fluothane may be used to perform euthanasia on animals under seven weeks of age when administered in an airtight chamber or transparent plastic bag providing for segregation of animals by size and age which is capable of permitting unobstructed visual observation and which does not permit direct contact with any device containing chloroform.

(3) Carbon monoxide gas systems shall consist of and be equipped with:

(i) A tightly enclosed cabinet for the purpose of containing the animals during the euthanasia process.

(ii) Internal lighting and a window for direct visual observation in the cabinet at all times.

(iii) A gas generation capable of achieving a concentration of carbon monoxide gas of at least 5% throughout the cabinet.

(iv) A gauge or gas concentration indicator or recording device.

(v) A means of separating animals from each other within the cabinet, if the cabinet is of sufficient size to facilitate more than one animal.

(vi) A means of fully removing the carbon monoxide gas from the cabinet upon completion of the euthanasia process.

(vii) If an internal combustion engine is used, a means of cooling the gas to a temperature not to exceed 115 degrees Fahrenheit at the point of entry into the cabinet and not to exceed 90 degrees Fahrenheit at any point in the cabinet as determined by temperature gauges permanently installed at point of entry and inside the cabinet.

(viii) If the gas is generated by an internal combustion engine, a means of removing or filtering out all noxious fumes, irritating acids and carbon particles from the gas before it enters the cabinet.

(ix) If an internal combustion engine is used, a means of substantially deadening the sound and vibration transmission from the engine to the cabinet, by placing them in separate rooms or soundproof compartments connecting them with flexible tubing or pipe at least 24 inches in length, so that the noise level within the cabinet shall not exceed 70 decibels.

(x) If an internal combustion engine is used, a means for exhausting the internal combustion engine gas during the period of engine warmup.

(4) Upon completion of the euthanasia process, animals shall not be removed from the cabinet until the carbon monoxide gas has been fully removed from the cabinet.

Amend Sec. 5, page 4, line 15, by striking out "5" and inserting: 6

Amend Sec. 6, page 5, line 1, by striking out "6" and inserting:

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

8 Amend Sec. 8, page 5, line 12, by striking out "8" and inserting: 9

On the question,

Will the Senate agree to the amendment?

AMENDMENT WITHDRAWN

Senator WENGER. Mr. President, I withdraw my amendment temporarily.

The PRESIDENT pro tempore. Senator Wenger requests that the amendment be withdrawn temporarily. For the information of the Members, there is a problem with getting an amendment to this amendment from the Legislative Reference Bureau. Senator Wenger requests the bill go over temporarily.

Without objection, House Bill No. 350 will go over temporarily as amended by Senator Corman.

LEGISLATIVE LEAVE

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Snyder for the remainder of today's Session.

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 519 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

HB 574 (Pr. No. 2118) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing operation of electronic consumer operated video bingo devices in cities of the first and second class; providing for financial assistance for education by the creation of a Video Bingo Education Fund; creating and empowering a commission; granting authority to the Department of Revenue; imposing duties on the city council of cities of the first class and the school board in cities of the second class; providing for the distribution of proceeds; and making repeals.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

AMENDMENT OFFERED

Senator STREET offered the following amendment:

Amend Title, page 1, lines 7 through 15, by striking out all of said lines and inserting: Providing for referenda in cities of the first and second class on the legalization of certain types of gambling.

Amend Bill, page 2, lines 14 through 30; pages 3 and 4, lines 1 through 30; page 5, lines 1 through 28, 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 Electronic Gaming Machine Referendum Law.

Section 2. 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:

“Electronic or video gaming machine.” Any device, machine or video terminal operated by any person, by insertion of a coin, token or other thing of value through which, not by reason of skill of operator, but by application of the element of chance, entitles the person playing to receive cash, premiums, merchandise or anything of value.

Section 3. Referendum.

The question of the legalization of gambling by the use of electronic or video gaming machines for the purpose of providing revenues for the city's school district shall be submitted to the electors of cities of the first class and second class at the next primary election following enactment of this act.

Section 4. Question.

The question shall be in substantially the following form:

Do you favor the legalization of gambling in this city by the use of electronic or video gaming machines for the purpose of providing revenues for the city's school district?

Section 5. Conduct of election.

The elections shall be conducted under the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

Section 6. Effective date.

This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator STREET. Mr. President, as this Body knows, our school system in the City of Philadelphia is in dire need of money. I inform the Members of this Body that with this particular proposal we have a unanimous resolution in support of this method of raising money by the Philadelphia School Board. We have a unanimous resolution from the Philadelphia City Council in support of this particular method of raising monies through video bingo. The only thing we do not know is how the people feel about raising monies to dedicate to the schools through a gambling device. This particular amendment will put on the ballot in the spring a referendum, a nonbinding referendum, that will give us a barometer to enable us to determine whether the people who have children in the school district and the people who are paying real estate taxes to support the school system would agree with this method of raising monies in the first and second class cities. Understanding that I am talking with men and women of wisdom, I ask for a “yes” vote merely to give the voters an opportunity to suggest to us how they feel about using monies from gambling that will be dedicated to the education of our young people.

Senator LLOYD. Mr. President, it occurs to me that one of the unique and sometimes difficult aspects of this job is to be working closely with someone on something, as I was with the gentleman from Philadelphia, Senator Street, just moments ago on House Bill No. 500; and then in a matter of minutes have to be very much on the opposite side of an issue, but that is part of what we do in the public forum.

I rise in opposition to the amendment offered by the gentleman from Philadelphia, Senator Street, for a number of reasons.

Philosophically, Mr. President, I do not think that representative democracy is structured in such a way that relatively

narrow issues, such as whether or not video bingo would be a funding source for a school district, should be decided by the process of referenda. I think in a representative democracy it is important for those of us who have been elected to evaluate the problems that are before us, to determine what alternative solutions are available, to choose the solution that seems most appropriate and to effect that solution. I think a referendum on this particular issue runs counter to that philosophical basis. On the specific issue of video bingo as a funding mechanism, Mr. President, I do not think this is necessarily the proper time to discuss the merits or lack thereof on that issue. However, I feel that is a highly questionable source of funding for our educational process in the state and in the school districts that are, in fact, mentioned in the amendment before us. For these reasons and others, Mr. President, I ask for a “no” vote on the amendment before us.

AMENDMENT WITHDRAWN

Senator STREET. Mr. President, would it be in order if I withdraw the amendment until tomorrow? I would like to withdraw the amendment.

The PRESIDENT pro tempore. It would be accepted with great gratitude by the Chair. The amendment is withdrawn.

Without objection, the bill will go over in its order.

BILL ON SECOND CONSIDERATION AMENDED

SB 882 (Pr. No. 1038) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prohibited offensive weapons.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 908), page 1, line 16, by striking out “or”

Amend Sec. 1 (Sec. 908), page 1, line 16, by inserting after “that”: , with the exception of a bomb, grenade or incendiary device,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL OVER IN ORDER

SB 906 (Pr. No. 1554) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting access charges for residential customers; and prohibiting telephone companies from restricting telephones to outgoing calls only.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator KUSSE. Mr. President, I move that Senate Bill No. 906 go over in its order.

The PRESIDENT pro tempore. Debate on this issue is extremely limited.

On the question,

Will the Senate agree to the motion?

Senator BELL. Mr. President, I understand the debate is limited to whether the bill should go over in order or not. Therefore, I am permitted to debate that there is a time factor on this bill. The time factor is this: Last Wednesday the PUC contacted their members and had their preliminary poll and under that poll it indicates the PUC, by a 2-1 vote, is going to impose an access charge for one of the independent telephone companies. If we are going to act on this bill, it is imperative that we act on it as soon as possible, namely tomorrow, so a clean and clear message can be sent to the PUC. Time is of the essence. A one day delay will push us back into January and by that time it will be a fait accompli and the lobbyists from the telephone companies will be very happy.

Senator MELLOW. Mr. President, I think it is important we remind the Members of the Senate that this particular proposal goes far beyond those things that were stated by the gentleman from Delaware, Senator Bell. It is a comprehensive piece of legislation which is on the fourth day of the Calendar. I, for one, have requested some additional information that I am very much concerned about. I do not think any of the Members here are trying, to the best of their ability, to defeat this bill. The thing we would like to do is get additional information so the proper type of amendments can be formulated. We cannot do this at this late date. Furthermore, I think it is important for us to note this is a Senate bill. If the House were going to be in Session next week, possibly some action could be taken, but the mere fact we would pass it in the Senate would basically only give the message to the House of Representatives that we have taken some action. They, in fact, would also have to take the proper type of action. I think the important thing is to give us a little more time so we can discuss and deliberate properly on this particular piece of legislation, to put it over and work on it when we come back following our Christmas recess.

Senator KUSSE. Mr. President, on the merits of putting it over, I point out that my daddy always taught me, "Haste makes waste." I point out the bill has only been before us for three or four days. I recommend we put it over.

Senator BELL. Mr. President, my daddy taught me, "Don't lock the door after the horse is stolen."

And the question recurring,

Will the Senate agree to the motion?

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

Senator ZEMPRELLI. Mr. President, I would like to change the vote for Senator Hankins from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—28

Brightbill	Lewis	Musto	Snyder
Corman	Lincoln	Reibman	Stapleton
Fumo	Lloyd	Rocks	Stauffer
Hager	Loeper	Romanelli	Tilghman
Helfrick	Lynch	Ross	Wenger
Kelley	Mellow	Scanlon	Williams
Kusse	Moore	Singel	Wilt

NAYS—21

Andrezeski	Hankins	Jubelirer	Shaffer
Bell	Hess	Kratzer	Shumaker
Bodack	Holl	O'Connell	Stout
Early	Hopper	Pecora	Street
Fisher	Howard	Rhoades	Zemprelli
Greenleaf			

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

The PRESIDENT pro tempore. Senate Bill No. 906 will go over in its order.

BILL ON SECOND CONSIDERATION

SB 928 (Pr. No. 1127) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a means to resolve compensation matters affecting school administrators through good faith negotiation sessions between school employers and school administrators.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AMENDED

SB 932 (Pr. No. 1578) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring public agencies to hold certain meetings and hearings open to the public; and providing penalties.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

JUBELIRER AMENDMENT 1

Senator JUBELIRER offered the following amendment:

Amend Bill, page 11, by inserting between lines 5 and 6:

Section 16. Confidentiality.

All acts and parts of acts are repealed insofar as they are inconsistent herewith, excepting those statutes which specifically provide for the confidentiality of information.

Amend Sec. 16, page 11, line 6, by striking out "16" and inserting: 17

Amend Sec. 17, page 11, line 10, by striking out "17" and inserting: 18

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

JUBELIRER AMENDMENT II

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

Amend Sec. 3, page 2, line 28, by striking out "OR ANY" and inserting: and any gathering relating to academic admission or standing or investment policy of the members of a

Amend Sec. 3, page 4, by inserting between lines 26 and 27:

(iii) Giving notice to parties under section 9(c).

Amend Sec. 3, page 4, line 27, by striking out "RECONVENED OR EMERGENCY" and inserting: or reconvened

Amend Sec. 9, page 7, line 28, by striking out "LICENSING BOARDS" and inserting: Professional licensing boards within the Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth

Amend Sec. 13, page 10, line 17, by striking out "be void" and inserting a comma

Amend Sec. 13, page 10, line 20, by inserting after "OPEN": , not take effect until the appropriate judicial resolution is obtained as to any violation of this act

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

JUBELIRER AMENDMENT III

Senator JUBELIRER, by unanimous consent, offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 4, page 5, line 6, by inserting after "BY": a quorum of the members of

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

LEGISLATIVE LEAVE

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Hopper who is attending a meeting at PHEAA.

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

And the question recurring,

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

REIBMAN AMENDMENT OFFERED

Senator SCANLON, on behalf of Senator REIBMAN, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 2, by striking out "and providing penalties." and inserting: providing for access to certain records and information; providing for civil remedies and penalties; and making a repeal.

Amend Sec. 1, page 1, lines 8 and 9, by striking out all of said lines and inserting:

The General Assembly hereby finds and declares that:

(1) A free society is best maintained when government is open, responsive and responsible.

(2) It is incumbent upon government to be fully accountable for decisionmaking and, accordingly, the public has a right to know the process by which governmental decisions were made, as well as the resulting policies.

(3) The public has a right of access to information used in governmental decisionmaking, a right to review documents and statistics used in the decisionmaking and a right to know of the individuals who are making these decisions.

(4) The public has a right to be present at all meetings of agencies and to

Amend Sec. 1, page 1, lines 16 and 17, by striking out "The General Assembly hereby declares it to be" and inserting: It is

Amend Sec. 3, page 2, by inserting between lines 7 and 8:

"Access." Open to inspection, duplication or interconnection.

Amend Sec. 3, page 3, by inserting between lines 6 and 7:

"Confidential information." The following records or information:

(1) Records specifically exempted by law from disclosure.

(2) Records compiled for law enforcement purposes of disclosure which would:

(i) materially impair the effectiveness of an ongoing investigation, Criminal intelligence operation or law enforcement proceeding;

(ii) identify a confidential informant;

(iii) reveal confidential investigative techniques or procedures, including criminal intelligence activity; or

(iv) endanger the life of an individual.

(3) Records of library users.

(4) Information confidentially disclosed to an agency or municipality and compiled and maintained for the regulation of commercial enterprise, including trade secrets, or for the grant or review of a license to do business which, if openly disclosed, would permit an unfair advantage to competitors. The term shall not include records disclosure or publication of which is required by another statute.

(5) Personal information about employees including health records including psychiatric or psychological information, employment records, credit histories, education transcripts, confidential letters of recommendation and tax returns, unless the release of the information has been authorized by the affected individual.

(6) Records which could impair collective bargaining negotiations or contract awards.

(7) Records, the release of which may interfere with an investigation or judicial proceeding or deprive an individual of the right to a fair trial.

(8) Confidential communications with the agency's attorney where such communications specifically concern litigation.

(9) Records which are individually identifiable and collected solely for a research purpose and not intended to be used in individually identifiable form to make any decision or to take any action directly affecting the individual to whom the record pertains.

(10) Materials used to administer a licensing, employment or academic examination of disclosure would compromise the fairness or objectivity of the examination process.

(11) Information which, if disclosed, would frustrate government procurement or give an advantage to any person proposing to enter into a contract or agreement with an agency.

(12) Information identifying real property under consideration for public acquisition before acquisition of rights to the property, or information not otherwise available under the laws of this State pertaining to real property under consideration for public acquisition before making a purchase agreement.

Amend Sec. 3, page 3, by inserting between lines 12 and 13:

"General Assembly." The House of Representatives, the Senate, their officers, standing committees, ad hoc committees and joint committees and commissions.

"Judiciary." The unified judicial system established under section 1 of Article V of the Constitution of Pennsylvania and administrative boards or commissions when they are acting in a judicial capacity.

Amend Sec. 3, page 3, by inserting between lines 16 and 17:

"Local agency." Any political subdivision of the Commonwealth, including home rule communities, their agencies, boards, commissions or authorities and any regional association of political subdivisions.

Amend Sec. 3, page 4, by inserting between lines 10 and 11:

"Public information." The following records or information:

(1) Final judicial opinions, dissenting opinions and orders.

(2) Statements of policy and interpretations and any documents, memoranda, data or other materials including statistical or factual data which led to the formulation of such policies.

(3) Minutes of meetings subject to the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(4) Internal or external audits, statistical reports, printouts and other factual tabulations made by or for the agency or municipality.

(5) Staff manuals or instructions to staff which affect the public.

(6) Final determinations and dissenting opinions.

(7) Library card catalogues.

(8) Employee information including the name, address, telephone number, position, salary level, length of service, college degrees, institutions attended and prior employers.

(9) Employee directories and lists of employees required by law.

(10) Other files, records, papers or documents required by any other provision of law to be made available to the public.

Amend Sec. 3, page 5, by inserting between lines 2 and 3:

"Record." Any information kept, held, filed, produced or reproduced by, with or for a State agency, local agency, the General Assembly or the judiciary, including, but not limited to,

reports, statements, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photographs, letters, microforms, computer tapes or discs, rules, regulations, codes, guidelines or standards.

"Recordkeeper." A State agency, a local agency, the General Assembly or the judiciary.

"Release." disclose, transfer, disseminate or otherwise communicate all or any part of any record, orally, in writing or by electronic or other means to another person.

"School entity." School districts, joint school districts, area vocational-technical schools, intermediate units, community colleges and their authorities.

"State agency." The Commonwealth and any of its departments, boards, agencies, authorities and commissions.

Amend Bill, page 10, by inserting between lines 26 and 27:

Section 15. Recordkeeping.

(a) Promulgation of rules.—Each recordkeeper shall promulgate rules or regulations on access to records, in conformity with this act. The rules or regulations shall include the time and place records are available, from whom records may be obtained and the cost of duplicating these records. Records shall be available at least during normal business hours. The cost of duplication of records shall be no greater than the actual cost borne by the recordkeeper. The recordkeeper may establish a standard fee to cover the costs of a record search. Each recordkeeper shall also promulgate rules or regulations governing the destruction of records of public information, and to protect its records from theft, loss, defacement, alteration or deterioration.

(b) Guidelines.—The Secretary of Education shall issue such guidelines as may be necessary to enable the governing boards of school entities to adopt rules and regulations as required by this act. The Secretary of Community Affairs shall issue such guidelines as may be necessary to enable the governing boards of other local agencies to adopt the rules and regulations as required by this act.

Section 16. Release of confidential information.

Except as otherwise provided by this act, no confidential information shall be required to be released. An individual may, however, by signed consent, request that confidential information shall from a State agency, local agency, the General Assembly or the judiciary. Within seven business days, the individual shall be notified about the availability of the requested information and conditions for inspecting and duplicating the record. If the request for release of public information about himself or herself be released. The individual shall receive written notice from the recordkeeper that confidential information has been released. In order to prevent unwarranted invasion of privacy, a recordkeeper may, when the recordkeeper deems appropriate, delete irrelevant material from a record prior to release of that record. The individual requesting the information shall be notified that deletions have been made. Nothing in this act shall limit or abridge the rights of employees or employers as established under the act of November 26, 1978 (P.L.1212, No.286), referred to as the Inspection of Employment Records Law.

Section 17. Release of public information.

(a) Request.—An individual may request the release of information from a State agency, local agency, the General Assembly or the judiciary. Within seven business days, the individual shall be notified about the availability of the requested information and conditions for inspecting and duplicating the record. If the request for release of public information is denied, the individual shall be notified within seven business days. Failure to respond to a legitimate written request within seven business days shall be deemed a denial.

(b) Agency responses.—In addition to complying with or denying a request, an agency may take any of the following actions:

(1) request of the individual additional information in order to properly identify the requested information;

(2) inform the requestor that the record is in use or that unusual circumstances have delayed or impaired the handling of the request and specify in writing the earliest time and date, not later than 21 days after receipt of the request, when the record will be available; or

(3) inform the requestor that the agency does not maintain the requested record, and provide, if known, the location of the agency maintaining the record.

(c) Appeal.—The individual may appeal a denial in writing to the head of the State agency, local agency, General Assembly or judiciary within ten business days after notice of denial was made. Within ten business days of receipt of the appeal, the individual shall be notified in writing if, and under what conditions, the requested information will be released.

(d) Alternative relief.—If the request is denied, the individual may request mediation or may initiate legal proceedings in the courts.

(e) Mediation.—At the request of any individual, a dispute over the release of any record shall be submitted to mediation. The appointment of the mediator or mediators shall be agreed to by both parties.

Section 18. Release of information to the General Assembly.

(a) Information from State agency.—The General Assembly may request the release of public information from a State agency, free of charge. The State agency shall respond in a timely fashion to each request for the release of public information. The release of public information to the General Assembly shall be a matter of public record.

(b) Computerized data.—The General Assembly shall not be denied permission to access any computerized data retention or retrieval system maintained by any State agency. A State agency may, however, deny the General Assembly access to certain files maintained within a computerized data retention or retrieval system, but only may do so after notifying the General Assembly in writing.

(c) Information concerning individuals.—Confidential information about an individual may be released to a member of the General Assembly or his staff when there is reasonable assurance that the member or staff member is acting on behalf of and as an agent for that individual.

Section 19. Unlawful acts.

It shall be unlawful to:

(1) Fail to release public information upon request.

(2) Fail to release confidential information about an individual when properly requested by the individual.

(3) Release confidential information without authorization.

(4) Fail to maintain the source of confidential information.

Section 20. Civil remedies.

(a) Civil action.—Any person who feels that a recordkeeper has violated section 19 may bring a civil action against the recordkeeper.

(b) Mandamus.—A person who has appealed a denial of a request for information of records may bring an action in mandamus against the recordkeeper.

(c) Powers of the court.—The court may enjoin a recordkeeper from withholding records. The court may award damages and assess costs, including reasonable attorney fees.

Amend Sec. 15, page 10, line 27, by striking out "15" and inserting: 21

Amend Sec. 15, page 10, line 29, by inserting after "agencies": and the General Assembly

Amend Bill, page 11, by inserting between lines 5 and 6:

Section 22. Construction and savings clause.

In order to assure public access to records, this act shall be interpreted as liberally as possible. Nothing in this act shall be construed to limit or abridge any existing right of access at law or in equity of any party to public records.

Section 23. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Amend Sec. 16, page 11, line 6, by striking out "16. Repeal." and inserting: 24. Repeals.

Amend Sec. 16, page 11, by inserting between lines 9 and 10:

The act of June 21, 1957 (P.L.390, No.212), entitled "An act requiring certain records of the Commonwealth and its political subdivisions and of certain authorities and other agencies performing essential governmental functions, to be open for examination and inspection by citizens of the Commonwealth of Pennsylvania; authorizing such citizens under certain conditions to make extracts, copies, photographs or photostats of such records; and providing for appeals to the courts of common pleas," is repealed.

Amend Sec. 17, page 121, line 10, by striking out "17" and inserting: 25

On the question,

Will the Senate agree to the amendment?

Senator JUBELIRER. Mr. President, I ask for a "no" vote on the amendment by virtue of the fact that the gentleman from Allegheny, Senator Scanlon, said they are very extensive and they really are the subject of another bill and should be taken in that context rather than as an amendment to this one.

Senator ZEMPRELLI. Mr. President, in response to the Majority Leader's statement, if the gentleman feels that way about it, it would be just as proper to put the bill over so his caucus will have an opportunity to review the amendment and determine whether or not it is germane and whether it should be a part of this bill rather than the other bill. I ask that either the Majority agree to put the bill over, to which this is an amendment, or allow this amendment to become a part of it for further examination upon third reading.

The PRESIDENT pro tempore. Senator, the amendment is now before the Senate. Is there some objection to taking a roll call vote on the amendment?

Senator ZEMPRELLI. Mr. President, I would be very happy to withdraw the amendment on behalf of the lady from Northampton, Senator Reibman, if the Majority would agree to put the bill over.

Senator JUBELIRER. Mr. President, I certainly have no intention of agreeing to put the bill over. I suppose there is a veiled threat by the Minority Leader with that particular comment, nevertheless, I do not think this belongs in the bill. We did discuss this amendment in full in caucus and we did not feel it belonged as part of the Sunshine bill. In fact, if anything, there is a potential to kill the bill, and we do not want to do that. We would like the bill to go up and be voted tomorrow and we would like to defeat this amendment.

Senator ZEMPRELLI. Mr. President, this bill is on the second day on the Calendar. I cannot understand what the

posthaste is to pass this bill. It is a Senate bill and it is not going anyplace. I reiterate that the request is a reasonable one.

The PRESIDENT pro tempore. Gentlemen, the state of the record is that there is an amendment before the Senate. Unless there is some objection or further debate, it is the intention of the Chair to call the question on the amendment.

PARLIAMENTARY INQUIRY

Senator KUSSE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Warren, Senator Kusse, will state it.

Senator KUSSE. Mr. President, what would happen if the gentleman withdrew the amendment, a motion was then made to put the bill over, that motion was defeated and the bill went up, would it not then be true that tomorrow the gentleman would be given the opportunity to ask for unanimous consent to present the amendment again? We never deny that unanimous consent and so we could treat the amendment tomorrow. Would that be a solution to the problem?

The PRESIDENT pro tempore. The gentleman's parliamentary point is well taken and eloquently stated.

REIBMAN AMENDMENT WITHDRAWN

Senator ZEMPRELLI. Mr. President, nobody would argue with the gentleman's dissertation as to what the parliamentary question is. The only problem is there is one "if" and one "but." Both of those disturb me a little bit and that is not as to the procedure but whether or not unanimous consent is a matter of right but it is a matter of privilege and would have to be granted. I am not sure that it has not been denied on occasion and I do not anticipate it would be denied in this situation. The simple question is, Mr. President, I understand the gentleman from Philadelphia, Senator Fumo, has amendments to Senate Bill No. 932 and that has been related to me as the result of attendance in our caucus today. If, in fact, there is an assertion here by the Majority Leader that we can offer this amendment tomorrow, I will be very happy to withdraw it so I am not denied the privilege of offering it at that time.

The PRESIDENT pro tempore. Senator Zempirelli withdraws the amendment.

And the question recurring,

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

POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, I move that consideration of this bill, as amended, is out of order and contrary to the Rules of the Senate until it is in printed form. I am referring to Rule XIV, Section 13, under "Bills."

"All bills reported or re-reported from committee, if amended by the committee, and all bills on the Calendar, if amended by the Senate, shall be reprinted and a new printer's number assigned thereto before any action is taken thereon."

Mr. President, I make the point of order that any action or consideration of this bill, as amended, under the Senate Rules, must first be given a new printer's number before the Senate can act.

The PRESIDENT pro tempore. The gentleman's point is well taken. It has been the practice of the Senate, when no objection has been made, to consider bills on amendment without them being reprinted. When there is an objection, however, the Rule is very clear. The Senate will be at ease.

(The Senate was at ease.)

Senator KELLEY. Mr. President, I withdraw my objection to the consideration and the point of order in invoking the Senate Rules.

And the question recurring,

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

MOTION FOR OVER IN ORDER

Senator KUSSE. Mr. President, representatives of the eight counties, five cities, forty boroughs, 130 second class townships and forty school boards plus innumerable agencies in my district have asked me to take a little more time considering this bill. In order to comply with their requests, I ask that the bill go over.

The PRESIDENT pro tempore. Senator, do you ask or move that the bill go over?

Senator KUSSE. I move that the bill go over, Mr. President.

The PRESIDENT pro tempore. Senator Kusse moves that the bill go over.

On the question,

Will the Senate agree to the motion?

Senator BELL. Mr. President, taking equal time with the gentleman from Warren, Senator Kusse, the people of Pennsylvania have the right to know what goes on behind closed doors.

The PRESIDENT pro tempore. Senator Bell, will you yield, please? The only issue before the Senate—

Senator BELL. Mr. President, why did you not rule the gentleman from Warren, Senator Kusse, out of order?

The PRESIDENT pro tempore. Senator Bell, you are out of order. The issue before the Senate is the propriety of the bill going over and that is all. Would the Senator like to speak on that issue?

Senator BELL. Yes, Mr. President, because time is of the essence and because one day going over will result in this bill not being called up until mid-January at the earliest. Time is of the greatest essence to the people of Pennsylvania and I oppose this bill going over.

Senator ZEMPRELLI. Mr. President, I ask for a roll call vote.

Senator LLOYD. Mr. President, I, too, oppose Senate Bill No. 932 going over in its order. The reason is I believe this legislation should be considered on its merits promptly by this Body and, therefore, ask for a "no" vote on the motion to go over Senate Bill No. 932.

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

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

Senator ZEMPRELLI. Mr. President, during the calling of the roll was Senator O'Pake voted?

The PRESIDENT pro tempore. Yes, he was voted in the affirmative.

Senator ZEMPRELLI. Mr. President, I am reminded that Senator O'Pake was not on legislative leave of absence and I ask his vote be stricken.

The PRESIDENT pro tempore. The Clerk now informs the Chair that Senator O'Pake was not voted.

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

YEAS—18

Brightbill	Kelley	Reibman	Stauffer
Corman	Kusse	Romanelli	Wenger
Fumo	Lewis	Scanlon	Williams
Hager	Lincoln	Stapleton	Zemprelli
Hess	Pecora		

NAYS—31

Andrezeski	Holl	Mellow	Shumaker
Bell	Hopper	Moore	Singel
Bodack	Howard	Musto	Snyder
Early	Jubelirer	O'Connell	Stout
Fisher	Kratzer	Rhoades	Street
Greenleaf	Lloyd	Rocks	Tilghman
Hankins	Loeper	Ross	Wilt
Helfrick	Lynch	Shaffer	

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 second consideration, as amended?

It was agreed to.

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

BILL OVER IN ORDER

SB 988 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 1045 (Pr. No. 1384) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 11, 1976 (P. L. 14, No. 10), entitled "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," granting additional power to the department to dispose of certain lands.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator KUSSE offered the following amendment:

Amend Sec. 1 (Sec. 7), page 2, line 23, by inserting after "sell":
under a system of public competitive bidding

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 KUSSE.

BILL OVER IN ORDER

SB 1115 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL REREFERRED

HB 1290 (Pr. No. 2326) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, changing provisions relating to the State Veterans' Commission.

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

HB 350 CALLED UP

HB 350 (Pr. No. 2289) — Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 5 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 350 (Pr. No. 2289) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to euthanasia of pet animals; prohibiting certain methods of euthanasia; providing for a limited license to dispense certain drugs; providing for regulation and enforcement; and providing penalties.

The bill was considered.

And the question recurring,

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

Senator WENGER offered the following amendment:

Amend Sec. 2, page 2, lines 3 through 9, by striking out "CHLOROFORM, ETHER, HALOTHANE OR" in line 3, all of lines 4 through 9, and inserting: Nothing in this act shall prevent a person or Humane Society organization from destroying a pet animal by means of firearms.

Amend Sec. 3, page 2, line 19, by striking out "5" and inserting: 6

Amend Bill, page 4, by inserting between lines 14 and 15:

Section 5. Use of carbon monoxide systems.

(1) Carbon monoxide gas may be used to destroy animals seven weeks of age or older.

(2) Chloroform, ether, halothane or fluothane may be used to destroy animals under seven weeks of age when administered in an airtight chamber or transparent plastic bag providing for segregation of animals by size and age which is capable of permitting unobstructed visual observation and which does not permit direct contact with any device containing chloroform.

(3) Carbon monoxide gas systems shall consist of and be equipped with:

(i) A tightly enclosed cabinet for the purpose of containing the animals during the destruction process.

(ii) Internal lighting and a window for direct visual observation in the cabinet at all times.

(iii) A gas generation capable of achieving a concentration of carbon monoxide gas of at least 5% throughout the cabinet.

(iv) A gauge or gas concentration indicator or recording device.

(v) A means of separating animals from each other within the cabinet, if the cabinet is of sufficient size to facilitate more than one animal.

(vi) A means of fully removing the carbon monoxide gas from the cabinet upon completion of the destruction process.

(vii) If an internal combustion engine is used, a means of cooling the gas to a temperature not to exceed 115 degrees Fahrenheit at the point of entry into the cabinet and not to exceed 90 degrees Fahrenheit at any point in the cabinet as determined by temperature gauges permanently installed at point of entry and inside the cabinet.

(viii) If the gas is generated by an internal combustion engine, a means of removing or filtering out all noxious fumes, irritating acids and carbon particles from the gas before it enters the cabinet.

(ix) If an internal combustion engine is used, a means of substantially deadening the sound and vibration transmission from the engine to the cabinet, by placing them in separate rooms or soundproof compartments connecting them with flexible tubing or pipe at least 24 inches in length, so that the noise level within the cabinet shall not exceed 70 decibels.

(x) If an internal combustion engine is used, a means for exhausting the internal combustion engine gas during the period of engine warmup.

(4) Upon completion of the destruction process, animals shall not be removed from the cabinet until the carbon monoxide gas has been fully removed from the cabinet.

Amend Sec. 5, page 4, line 15, by striking out "5" and inserting: 6

Amend Sec. 6, page 5, line 1, by striking out "6" and inserting: 7

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

Amend Sec. 8, page 5, line 12, by striking out "8" and inserting: 9

On the question,

Will the Senate agree to the amendment?

Senator CORMAN. Mr. President, this bill currently permits the use of a syringe and a certain chemical solution to extinguish the lives of animals. This particular amendment would once again permit the use of carbon monoxide poisoning also as an acceptable method of extinguishing the lives of animals that have to be done away with in our Societies for the Prevention of Cruelty to Animals. I would encourage a "no" vote on this particular amendment.

There were many public hearings held on this subject. We have been studying this particular bill for well over a year. There has been a lot of testimony offered. Not only is there a possibility of a cruel death to the animals by use of carbon monoxide, there is also the unknown bad effect that may accrue to the person who, in fact, is utilizing the system, so that there could be substantial damage to that person's physi-

cal makeup who is actually working the system to extinguish the lives of the animals.

In my amendment already approved, it authorizes the Secretary of Agriculture to work with the various agencies and if they need monies to help bring about the switchover from using carbon monoxide or the decompression chamber, the monies will be available to them by working out the arrangements with the Secretary. I would encourage a "no" vote on this particular amendment.

Senator WENGER. Mr. President, House Bill No. 350 deals with providing humane ways of doing away with unwanted or sick animals. As it came to the Senate, it did, indeed, provide for the use of carbon monoxide in the destruction of such animals. The bill prohibits the use of decompression chambers, as it should. In committee, an amendment was added which also prohibits carbon monoxide. The amendment I am offering goes back to the language that was passed by the House. It, indeed, prohibits the use of decompression chambers, but it would allow the use of carbon monoxide.

We might ask, "Why do we need this?" I guess there is a split among humane leagues in humane societies as to which is the better method. Some prefer the lethal injections, but I remind the Members that even lethal injections administered by persons who are inexperienced could have their ill effects. The same thing probably holds true with the carbon monoxide chambers. If we look at the bill, we will find that Section 5 deals with the type of carbon monoxide chamber which may be used. There is a description of the way the chamber has to be constructed so we will not have this problem. The possibility of it having ill effects on the person running the chamber was also discussed.

There was reference to the amendment that was adopted earlier that said the Department of Agriculture may appropriate funds to those counties who will have to make a change and which might have a financial hardship due to that change. It is true the amendment says they could do this, but it does not make an appropriation, it says they can do this if there is a surplus, so that is really not all that certain. Looking at the whole thing in perspective, I think the adoption of this amendment would enhance the bill and we could go on and pass it.

Senator CORMAN. Mr. President, in the presentation of the gentleman from Lancaster, Senator Wenger, it might have been suggested or thought by some that because this amendment was in the bill when it came from the House, we might have difficulty passing this particular bill if it is not in it when it leaves the Senate. I would like to state to my colleagues that the prime mover of this bill, Representative Murphy, was at the agricultural meeting when we placed the amendment in the bill to eliminate the use of carbon monoxide. He was asked if he had any problems with this amendment and he stated that he did not. I do not believe that we will have any trouble in getting concurrence in the House if we leave the bill in its current state and I, again, recommend a "no" vote.

Senator WENGER. Mr. President, I respectfully request a roll call vote.

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

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

Senator ZEMPRELLI. Mr. President, I would like to change the vote for Senator Fumo from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—25

Andrezeski	Hopper	Musto	Stapleton
Bodack	Kelley	Reibman	Stout
Brightbill	Kusse	Romanelli	Wenger
Early	Lewis	Ross	Williams
Hankins	Lincoln	Shaffer	Wilt
Helfrick	Lynch	Snyder	Zemprelli
Hess			

NAYS—23

Bell	Holl	Mellow	Scanlon
Corman	Howard	Moore	Shumaker
Fisher	Jubelirer	O'Connell	Singel
Fumo	Kratzer	Pecora	Stauffer
Greenleaf	Lloyd	Rhoades	Tilghman
Hager	Loeper	Rocks	

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

And the question recurring,

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

Senator ROCKS offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, line 1, by striking out "euthanasia" and inserting: destruction

Amend Title, page 1, line 2, by striking out "euthanasia" and inserting: destruction

Amend Sec. 1, page 1, line 8, by striking out "euthanasia" and inserting: destruction of animals

Amend Sec. 1, page 1, line 9, by striking out "euthanized" and inserting: destroyed

Amend Sec. 1, page 1, line 11, by striking out "euthanasia" and inserting: destruction of animals

Amend Sec. 2, page 1, line 12, by striking out "euthanasia" and inserting: destruction

Amend Sec. 2, page 2, line 4, by striking out "PERFORM EUTHANASIA ON" and inserting: destroy

Amend Sec. 5, page 4, line 21, by striking out "EUTHANIZE" and inserting: destroy

Amend Bill, page 5, by inserting between lines 11 and 12:

Section 8. Nothing in this act shall be construed to permit the performance of any methods of destruction provided for herein on any human person.

Amend Sec. 8, page 5, line 12, by striking out "8" and inserting: 9

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

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

It was agreed to.

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

SB 705 CALLED UP

SB 705 (Pr. No. 1529) — Without objection, the bill, which previously went over in its order, was called up, from page 3 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 705 (Pr. No. 1529) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," expanding the general powers to include steam and electric power facilities.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

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 983 CALLED UP

SB 983 (Pr. No. 1218) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER.

**PREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION AMENDED**

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.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

WENGER AMENDMENT

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

Amend Title, page 1, line 3, by removing the period after "retarded" and inserting: and to the Department of Agriculture for expenses incurred which are associated with the avian influenza epidemic of 1983.

Amend Bill, page 2, by inserting between lines 3 and 4:

Section 3. The sum of \$1,200,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Agriculture for payments to indemnify owners of poultry which died or were destroyed on or after September 1, 1983 for the market value of such animals and for any extraordinary or incidental expenses incurred which are associated with the avian influenza epidemic of 1983 and the depopulation program implemented pursuant to the Federal Government's declaration of an extraordinary emergency on November 9, 1983.

The first priority for the funds from this appropriation shall be for losses associated with the avian influenza epidemic incurred prior to the Federal emergency declaration, and thereafter to supplement the Federal funds made available pursuant to that declaration.

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

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

ROCKS AMENDMENT 1

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

Amend Title, page 1, line 3, by removing the period after "retarded" and inserting: and to the Department of Education for services and supplies for nonpublic schools.

Amend Bill, page 2, by inserting between lines 3 and 4:

Section 3. The sum of \$1,120,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Education for the fiscal year July 1, 1983 to June 30, 1984 for services to nonpublic schools.

Section 4. The funds appropriated in section 3 shall be in addition to any other funds appropriated to the Department of Education for such purposes.

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

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

ROCKS AMENDMENT II

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

Amend Title, page 1, line 3, by removing the period after "retarded" and inserting: and to the Department of Education for services and supplies for nonpublic schools.

Amend Bill, page 2, by inserting between lines 3 and 4:

Section 3. The sum of \$127,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Education for the fiscal year July 1, 1983 to June 30, 1984 for supplies for nonpublic school students.

Section 4. The funds appropriated in section 3 shall be in addition to any other funds appropriated to the Department of Education for such purposes.

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

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 ROCKS.

The PRESIDING OFFICER (John Stauffer) in the Chair.

HB 350 CALLED UP

HB 350 (Pr. No. 2345) — Without objection, the bill, which previously was considered, as amended, was called up, from page 5 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL REREFERRED

HB 350 (Pr. No. 2345) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to destruction of pet animals; prohibiting certain methods of destruction; providing for a limited license to dispense certain drugs; providing for regulation and enforcement; providing for use of certain surplus funds and providing penalties.

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

MEETING OF THE COMMITTEE ON APPROPRIATIONS

Senator JUBELIRER. Mr. President, on behalf of the Chairman of the Committee on Appropriations, Senator Tilghman, I announce that there will be a meeting off the floor at the rear of the Senate Chamber in the Rules Committee room. He asks all members to report there immediately and I think we can continue on with the remainder of the agenda.

UNFINISHED BUSINESS REPORT FROM COMMITTEE

Senator HOWARD, from the Committee on Finance, reported the following bill:

HB 533 (Pr. No. 2346) (Amended) (Rereported)

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the capital stock-franchise tax; and further providing for penalties on the utilities gross receipts tax; and clarifying certain provisions in the mutual thrift institutions tax.

BILLS IN PLACE

Senator ANDREZESKI presented to the Chair three bills.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Jeffrey Cox and to Our Lady of Perpetual Help Parish by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. I. Gray Bloom by Senator Corman.

Congratulations of the Senate were extended to John Baldino by Senator Mellow.

Congratulations of the Senate were extended to William P. Leibensperger by Senator Romanelli.

Congratulations of the Senate were extended to Mr. and Mrs. Nick Buffone by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. John Chupinsky and to Mr. and Mrs. Rolla G. Dunn by Senator Stout.

BILLS ON FIRST CONSIDERATION

Senator JUBELIRER. 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 1139 and HB 1662.

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

GENERAL COMMUNICATIONS BILLS INTRODUCED AND REFERRED

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

December 13, 1983

Senator HELFRICK presented to the Chair **SB 1181**, entitled:

An Act designating a section of Route 11 (Legislative Route 25) in Snyder County as the "Charles E. Attig, Jr. Memorial Highway."

Which was committed to the Committee on TRANSPORTATION, December 13, 1983.

Senators ANDREZESKI, O'PAKE, MUSTO, REIBMAN, MELLOW, ZEMPRELLI, SINGEL, LLOYD, HANKINS, EARLY, BODACK, STOUT, SCANLON, ROMANELLI, ROCKS, ROSS, KELLEY, LYNCH, STAPLETON, FUMO, LINCOLN, LEWIS and WILLIAMS presented to the Chair **SB 1182**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," further prohibiting wage discrimination on the basis of comparable worth; and making an appropriation.

Which was committed to the Committee on LABOR AND INDUSTRY, December 13, 1983.

Senators ANDREZESKI and CORMAN presented to the Chair **SB 1183**, entitled:

An Act amending the act of June 22, 1964 (Sp. Sess., P. L. 131, No. 8), entitled "Project 70 Land Acquisition and Borrowing Act," permitting water storage facilities on Project 70 land.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 13, 1983.

Senator GREENLEAF presented to the Chair **SB 1184**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," further providing for the awarding of certain contracts.

Which was committed to the Committee on LOCAL GOVERNMENT, December 13, 1983.

Senators GREENLEAF, KRATZER, HOPPER, BELL, SHUMAKER, BRIGHTBILL, KUSSE, EARLY and KELLEY presented to the Chair **SB 1185**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and providing for mandatory imprisonment.

Which was committed to the Committee on JUDICIARY, December 13, 1983.

Senators REIBMAN, MELLOW, KELLEY, O'PAKE and ANDREZESKI presented to the Chair **SB 1186**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further regulating special occasion permits in third class cities.

Which was committed to the Committee on LAW AND JUSTICE, December 13, 1983.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, DECEMBER 14, 1983

9:00 A.M.	Special Committee on Senate Resolution No. 54 (to receive the report of the study of the financial operations and personnel practices of the Pennsylvania Supreme Court and its related agencies from the Pennsylvania Economy League, Inc.)	Senate Majority Caucus Room
9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 866, 987, 1118; House Bills No. 1154 and 1241)	Room 461, 4th Floor Conference Rm., North Wing
9:30 A.M.	LAW AND JUSTICE (to consider Senate Bills No. 1034, 1169; House Bills No. 133, 529 and 667)	Room 459, 4th Floor Conference Rm., North Wing
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 948 and House Bill No. 1235)	Room 460, 4th Floor Conference Rm., North Wing
11:00 A.M.	Public Employee Retirement Study Commission	Room 459, 4th Floor Conference Rm., North Wing
off the floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)	Rules Committee Conference Room

THURSDAY, DECEMBER 15, 1983

2:30 P.M.	Independent Regulatory Review Commission (Regulations to be considered:	Heritage Rm. A, 333 Market St.
1.	DPW 14-220 - AFDC/GA Income requirements;	
2.	DPW 14-222 - Rescission of DPW Manual, 8453 - Injured Employees;	
3.	PennDOT 18-168 - Ch. 53 - Manufacturers, Dealers and Misc. Motor Vehicle Business Registration Plates;	
4.	PennDOT 18-175 - Mechanical, Electrical and Electronic Speed-Timing Devices;	
5.	PennDOT 18-176 - Chapter 175 - Vehicle Equipment and Inspection;	
6.	Dept. of Banking 3-17 - Employee Retirement System Income Security Act;	
7.	Dept. of State 16-2 - Notary Public Fee Schedule;	
8.	Dept. of State, Bureau of Professional and Occupational Affairs, Architects Licensure Board 16A-101 - Reduction in Administration Cost of Examination;	
9.	Dept. of Revenue 15-111 - Parimutuel Collections;	
10.	Dept. of Public Welfare 14-225 - Regulations for Private Psychiatric Hospitals)	

THURSDAY, JANUARY 5, 1984

2:30 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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TUESDAY, JANUARY 10, 1984

10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing on House Bill No. 132)	Senate Majority Caucus Room
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THURSDAY, JANUARY 19, 1984

2:30 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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REPORT FROM COMMITTEE

Senator TILGHMAN, by unanimous consent, from the Committee on Appropriations, reported the following bill:

HB 350 (Pr. No. 2345) (Rereported)

An Act relating to destruction of pet animals; prohibiting certain methods of destruction; providing for a limited license to dispense certain drugs; providing for regulation and enforcement; providing for use of certain surplus funds and providing penalties.

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Wednesday, December 14, 1983, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:40 p.m., Eastern Standard Time.