

Legislative Journal

WEDNESDAY, DECEMBER 14, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 92

SENATE

WEDNESDAY, December 14, 1983.

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

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Our Heavenly Father, we come before Thee this morning filled with gratitude for the many blessings which have been bestowed upon us.

We ask that Thy beneficence continue with the individual Members of this Senate, their families and the employees of the Senate. May we, by following Thy precepts and Thy teachings, add to Thy honor and glory. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 13, 1983.

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

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, I request a temporary legislative leave of absence for Senator Snyder who is attending a meeting of the Historical Museum Commission. I request temporary legislative leaves of absence for Senator Kratzer, Senator Greenleaf and Senator Street who are attending a meeting of the Committee on Law and Justice.

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

Senator SCANLON. Mr. President, I reiterate my request for legislative leaves of absence for the week for Senator Romanelli and Senator Reibman. I request a legislative leave of absence for today's Session for Senator Lynch.

I request temporary legislative leaves of absence for Senator Mellow, Senator Stout and Senator Zemprelli who are attending the meeting of the Committee on Law and Justice. I also request temporary legislative leaves of absence for Senator Andrezeski and Senator Kelley.

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

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS LAID ON THE TABLE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and laid on the table:

MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

December 2, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 26, 1983 for the appointment of Bernard F. Keelan, 1042 Haverford Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Frank M. Miller, Johnstown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF LOCK HAVEN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

December 2, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 1983 for the appointment of Elmer G. Grant, 451 Homan Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

I respectfully request the return to me of the official message of nomination on the premises.

DICK THORNBURGH.

HOUSE MESSAGES

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 877, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 877**, and has appointed Messrs. **PIEVSKY, DOMBROWSKI** and **McCLATCHY** as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1144**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDENT** pro tempore. The bill, as amended, will be placed on the Calendar.

**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS TO
HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 947**, in which concurrence of the Senate is requested.

The **PRESIDENT** pro tempore. The bill will be placed on the Calendar.

REPORTS FROM COMMITTEE

Senator **BELL**, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 1118 (Pr. No. 1609) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for gas or electric utility advertising expenses and regulation.

HB 1154 (Pr. No. 1335)

An Act amending "The Dental Law," approved May 1, 1933 (P. L. 216, No. 76), further defining the practice of dentistry.

HB 1241 (Pr. No. 2032)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the ownership and maintenance of gas service lines.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE**

Senator **HESS** submitted the Report of Committee of Conference on **HB 682**, which was laid on the table.

CALENDAR

SPECIAL ORDER OF BUSINESS

HB 1454 CALLED UP OUT OF ORDER

HB 1454 (Pr. No. 2344) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator **JUBELIRER**, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1454 (Pr. No. 2344) — 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 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.

REPORT FROM COMMITTEE

Senator **O'CONNELL**, by unanimous consent, from the Committee on State Government, reported the following bill:

HB 1235 (Pr. No. 2124)

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey a tract of land in South Heidelberg Township, Berks County, Pennsylvania.

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

HB 500 CALLED UP OUT OF ORDER

HB 500 (Pr. No. 2342) — 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
AND FINAL PASSAGE**

HB 500 (Pr. No. 2342) — 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 and agreed to,

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

On the question,

Shall the bill pass finally?

Senator SINGEL. Mr. President, we are about to take action in this Body today on a problem that persists in every one of our counties, a problem that causes misery and disruption in families from every section of Pennsylvania. Almost a year ago, we identified the problem of mortgage foreclosures and pointed out that delinquencies and foreclosures had reached their highest peak since the Great Depression.

Sheriffs and judges in several counties refused to enforce sheriff's sales and both borrowers and lenders found themselves victimized by the continuing recession. The Mortgage Bankers' Association pointed out that the rate of foreclosures nationwide had doubled since 1978, and the rate of delinquencies was continuing to rise in Pennsylvania throughout 1983. It is only through the forbearance of individual lenders and through local moratoriums placed on sheriff's sales that unemployed steelworkers, miners, factory workers and small businessmen were spared the indignity of losing their homes.

It is difficult to ascertain the scope of the problem. We do know that the rate of serious delinquency in our state continues to rise, and we estimate that some 4,000 households are now in some stage of foreclosure action.

The Bucks County housing group has estimated the number of homeowners seriously delinquent may be as high as 69,000. A gentle reminder in a holiday greeting I received recently from a Philadelphia public interest group points out that there are still 10,000 homeless persons in Philadelphia and another 1,500 living, literally, on the streets in Pittsburgh.

The mortgage assistance bill we are about to pass today assures that we do not turn even more people out of their own homes and onto the street, and because some foreclosure actions have been put on hold awaiting action by this Legislature, it is likely the mortgage assistance program will have no shortage of applicants.

House Bill No. 500, as amended, is a reasonable and humane approach to the overwhelming problem of mortgage foreclosures. It directs the Pennsylvania Housing Finance Agency to intervene in cases where foreclosure is imminent due to circumstances beyond the control of the borrower. It provides loan assistance to the homeowners and restored payments to the lending institutions.

Because there are specific eligibility requirements in House Bill No. 500, the program focuses on the unemployed and the underemployed who have been faithful in their mortgage payments previously. It properly directs state assistance to those with legitimate needs and denies participation to the deadbeats.

The amendments we adopted during the past two days dramatically improve the legislation by assuring that relief will reach the appropriate persons in a timely fashion. More importantly, we have insisted on a funding mechanism to move immediately into the application of the program. The Emergency Mortgage Foreclosure Assistance Program, the first of its kind in the nation, will begin to change peoples' lives; it will restore hope where there was despair and it will provide confidence where there was fear.

I would like to make some brief comments about the funding mechanism. This Body could have opted to pass some watered-down version of mortgage relief. It could have chosen to avoid the difficult problem of paying for the program by sending the bill back to the House with no money at all. Instead, with bipartisan support, we were able to forge a consensus on approach that will provide immediate funding. An immediate appropriation of \$5 million will be made to the Pennsylvania Housing Finance Agency. This is the critical point. This enables the program to begin immediately, and then we can discuss the other financing for the coming fiscal years in the future. The \$15 million program we have devised for continuing the program must be reviewed to make sure that the impact on the Neighborhood Assistance Program is not too devastating, and I think we have time to make those kinds of critical assessments in the coming months. The important thing is that \$5 million becomes available when the Governor signs the program into law.

Also, much depends upon the participation of a business community and we must now call upon those people to provide us the assistance in helping to retain shelter for many of their unemployed personnel.

The passage of House Bill No. 500 today will end a legislative struggle that began back in January of this year. After countless hours of research and discussion, after numerous refinements and counterproposals, after the assistance of some very dedicated groups in some of the urban areas of the state and throughout the state, we have arrived at a compromise that will provide significant relief. However, it would be wrong to oversell this package and to suggest that the homeowner will somehow be relieved of his debt obligation. What we are doing with this bill is buying the time necessary to allow homeowners who have been caught in the economic maelstrom to retain one of their basic human needs of shelter.

Also, let us not lose sight of the larger objective that has yet to be achieved. Creation of jobs and economic recovery must command our full and undivided attention upon our return. Economic development and progress will provide the only lasting and meaningful protection against the ravages of unemployment.

In a sense, we are all physicians still seeking the cure for the disease, but pleased to treat one of its symptoms. I ask for an affirmative vote on this bill.

Senator JUBELIRER. Very briefly, Mr. President, I echo the comments of my colleague from Cambria, Senator Singel. I remind the Members here in the Chamber that I believe we have historically broken new ground for the first time in Pennsylvania. I think we should deal with such things on a very, very limited emergency basis and I think we have done precisely that, recognizing the word emergency is subjective. I think it is going to take a great deal of monitoring, not only by the Administration and the Pennsylvania Housing and Finance Agency but also by the General Assembly as well, to see how the practical application of this new law that I expect will be passed and likely concurred in by the House will, indeed, practically apply itself. As we monitor, Mr. President, I expect we will look at improvements or whatever it takes to make sure that which we intended is indeed what is being applied out in the real world.

I join with the gentleman from Cambria, Senator Singel, in asking and certainly expecting we will have a large affirmative vote and those less fortunate people who are out of work and losing their homes through no fault of their own, by virtue of the economic conditions that took place in the Commonwealth for a variety of reasons, will, indeed, have the relief they have sought for so long. It is, as I said before, an exercise in bipartisanship and dedicated hard work in this Chamber by many Members of this Body and I think the Senate can take great pride as it passes this bill for a job well done.

Senator LLOYD. Mr. President, I rise in support of House Bill No. 500, a bill which meets an imminent need in Pennsylvania. In Pennsylvania thousands of families are currently faced with the dim prospects of mortgage foreclosure and during the past year some of the members of the judiciary have very appropriately placed themselves in the breach on behalf of these families but have waited and hoped for, along with the families involved, an opportunity to resolve the very severe problem before us. House Bill No. 500 goes a long way toward providing the needed relief for those Pennsylvanians who are under enormous personal and financial pressure as a result of circumstances beyond their control. However, Mr. President, I must also raise the red flag of warning. This warning is that the fiscal basis for this program in fiscal year 1984-85 and thereafter is based largely on corporate contributions. The potential for those contributions not to come to fruition is real, based on experience and based on the fact that many Pennsylvania businesses are facing difficult economic times themselves. Let us monitor the program as we move forward, not only with regard to the procedural aspects and the eligibility aspects of the particular program but also

regarding the funding. The General Assembly is today committing to a responsibility to this program. We will have to monitor closely what happens in terms of the corporate contributions, the matching tax credits that are triggered as a result of those contributions and the implementation of those funds in the program now before us.

I also raise the red flag of warning in that we should not delude ourselves into thinking that consistent programs of relief are at the core of the problem here. The core of the problem can only be solved through a thrust at economic recovery, not simply at the appropriate provision of economic relief. Pennsylvania must recognize that we have 10.3 percent of our populace unemployed and we have a number that far exceeds that underemployed. Many people who were working for \$20,000 to \$25,000 a year have had their plants closed, have suffered financial setbacks and are now working for far less than that and that is a very important economic problem in the Commonwealth. Although I applaud the bipartisan effort we are making here today in hopefully passing House Bill No. 500, I simply state let us not delude ourselves into thinking this will solve the problems of the people of Pennsylvania. We have a long way to go. We must monitor the funding; we must embrace sustained economic development in the private sector. If we do those things, we will, indeed, be performing a public service. I thank you, Mr. President, along with the gentleman from Cambria, Senator Singel and the gentleman from Blair, Senator Jubelirer, and I, too, applaud the bipartisan effort that was made on this particular issue.

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

Senator WILLIAMS. Mr. President, I also join the other Members in praising ourselves. I want to take a minute to observe that early in the year I saw initiatives along this line as being some of the most significant. I remember efforts to resist the effort of the gentleman from Cambria, Senator Singel. In those months I saw the participation of a lot of the Members, almost everybody here, and lately the leadership of both sides. I think we all owe each other a debt of credit and a semblance of gratitude. In saying that, I want to make note of and congratulate the members of the employment project, Community Legal Services, and a number of other constituencies who have been here for a long time representing, in the flesh, their strategies and in their words the poor or new poor that we speak of so eloquently. They were here in our offices, in our faces, in our minds and in our hearts. I do not see many of them here today, but it is clear to me that more than any body of people, the Senate, the House, the Governor, those who were here to represent those we are trying to help, indeed, deliver a clear and significant service in making sure this legislation will come about before the new year. I want to make note of that.

My concern is not so much the monitoring because I know we will do that well. My concern is not so much that this is an emergency because we, indeed, have had any number of precedents where government has helped business and business

has returned several fold with success such as Chrysler Corporation and others. The principle where we respond in an emergency situation to average people with troubled times and combine the effort of Legislators and Senators and civic people and people who are funded to help the poor has been quite classic, and I want to add my note of thanks and consciousness. I want to thank all those responsible for giving me the privilege of participating.

And the question recurring,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 2:00 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:00 p.m., Eastern Standard Time.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

Senator SCANLON. Mr. President, I request legislative leaves of absence for Senator Lewis and Senator Lincoln.

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

CONSIDERATION OF CALENDAR RESUMED

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED BY THE SENATE**

SB 763 (Pr. No. 1603) — 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.

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. 763.

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.

**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 603 (Pr. No. 1514) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to the control of vegetation within the right-of-way of highways; providing for applications, inspections and permits; and fixing penalties.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 603.

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.

SB 995 (Pr. No. 1551) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1937 (P. L. 2017, No. 396), entitled "County Institution District Law," providing for annual salaries for treasurers in counties of the second class for services as officers of the institution district; and making editorial changes.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 995.

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.

FINAL PASSAGE CALENDAR

BILL ON FINAL PASSAGE

SB 707 (Pr. No. 1010) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for unlawful acts relating to liquor, malt and brewed beverages and licensees.

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.

THIRD CONSIDERATION CALENDAR

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

HB 533 (Pr. No. 2346) — The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

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

NAYS—0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SB 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 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
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Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AMENDED

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 third time,

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

Senator RHOADES, on behalf of himself and Senator SINGEL, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 6), page 1, by inserting between lines 17 and 18: The council shall have the following powers and duties:
Amend Sec. 1 (Sec. 6), page 2, by inserting between lines 18 and 19:

(8) Make grants to support the organization, establishment and operation of area labor-management committees and provide technical and other available assistance.

Amend Sec. 1 (Sec. 6), page 2, line 19, by inserting brackets before and after "(8)" and inserting immediately thereafter: (9)
Amend Bill, page 5, by inserting between lines 21 and 22:

Section 3. Section 7 of the act is amended to read:
Section 7. Limited duration.
[The council shall cease to exist six years from the effective date of this act unless the General Assembly extends its life.] The council shall continue with its statutory function and duties until June 30, 1990 when it shall terminate and go out of existence unless reestablished or continued by the General Assembly. Evaluation, review, termination, reestablishment and continuation of the agency shall be conducted pursuant to the provisions of the act of December 22, 1981 (P.L.508, No.142), known as the "Sunset Act."

Amend Sec. 3, page 5, line 22, by striking out "3" and inserting: 4
Amend Sec. 4, page 5, line 26, by striking out "4" 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 RHOADES.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

SB 983 (Pr. No. 1608) — 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; to the Department of Agriculture for expenses incurred which are associated with the avian influenza epidemic of 1983 and to the Department of Education for services and supplies for nonpublic schools.

Considered the third time,

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

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

Amend Sec. 2, page 2, lines 2 through 5, by striking out all of said lines

Amend Sec. 3, page 2, line 6, by striking out "3." and inserting: 2. (a)

Amend Sec. 3, page 2, line 16, by inserting before "THE": (b)
Amend Sec. 4, page 2, line 21, by striking out "4" and inserting: 3

Amend Sec. 4, page 2, line 21, by striking out "SUM OF \$1,120,000," and inserting: following sums,

Amend Sec. 4, page 2, line 22, by striking out "IS" and inserting: are

Amend Sec. 4, page 2, line 23, by striking out "FOR" where it appears the second time and inserting a period

Amend Bill, page 2, lines 24 through 28, by striking out all of said lines and inserting:

- (1) For services to nonpublic schools \$1,120,000.
- (2) For supplies for nonpublic schools students \$127,000.
- (3) For the Scranton State School for the Deaf \$194,000.
- (4) For the Thaddeus Stevens State School of Technology \$221,000.

Amend Sec. 6, page 2, line 29, by striking out "6" and inserting: 4

Amend Sec. 6, page 2, line 29, by striking out "4 AND 5" and inserting: 1 and 3

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

Amend Sec. 6, page 3, line 1, by inserting after "OF": Public Welfare and

Amend Sec. 7, page 3, line 2, by striking out "7" 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 TILGHMAN.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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.

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

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

NAYS—0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SB 882 (Pr. No. 1605) — 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.

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.

BILL OVER IN ORDER

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 third time,

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

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 928 go over in its order. I think we have no need to

move that the bill go over. I will request that the bill go over in its order.

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

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

Senator EARLY. Mr. President, I object to the bill going over and I ask for a roll call vote.

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 928 go over in its order.

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

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

YEAS—35

Bodack	Hopper	Lynch	Shumaker
Brightbill	Howard	Mellow	Snyder
Corman	Jubelirer	Moore	Stauffer
Fisher	Kelley	O'Connell	Stout
Greenleaf	Kratzer	Pecora	Street
Hager	Kusse	Reibman	Tilghman
Helfrick	Lewis	Rhoades	Wenger
Hess	Lincoln	Romanelli	Wilt
Holl	Loeper	Scanlon	

NAYS—13

Andrezeski	Lloyd	Rocks	Singel
Bell	Musto	Ross	Stapleton
Early	O'Pake	Shaffer	Zemprelli
Hankins			

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

The PRESIDENT. Senate Bill No. 928 will go over in its order.

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I request a temporary legislative leave of absence on behalf of Senator Williams who had to leave the floor to discuss matters with his constituents.

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 932, 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 1132 (Pr. No. 1604) — 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 elected officials of boroughs from serving as employees of that borough.

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.

BILL RECOMMITTED

HB 1137 (Pr. No. 2343) — 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 JUBELIRER. Mr. President, I move that House Bill No. 1137, Printer's No. 2343, be rereferred to the Committee on Urban Affairs and Housing.

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

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

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

Senator JUBELIRER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, my only purpose is to inquire as to why the bill would be rereferred to the Committee on Urban Affairs and Housing when, in fact, it is so clearly a matter for the Committee on Judiciary in precedence and in subject germaneness.

Senator JUBELIRER. Mr. President, I gather his question is why the bill would be rereferred to the Committee on Urban Affairs and Housing, is that correct?

Senator ZEMPRELLI. Yes, Mr. President.

Senator JUBELIRER. Mr. President, I am advised that because of the minority contractor part of it dealing with the redevelopment and housing aspect of the matter, the chairman has indicated that he feels his committee at least ought to be able to review that before putting it back out.

Senator ZEMPRELLI. Mr. President, there is some concern about the bill being committed to a natural graveyard and there are a number of people on this side of the aisle who are seriously concerned about the fate of this bill. If, in fact, it is for the purpose of amendment, I suggest to the Majority that it is just as easy to amend the bill if it does not destroy the substance of it by leaving it on the Calendar rather than to rerefer it to the Committee on Urban Affairs and Housing when it is a bill that is designed to amend the crimes in the Criminal Code.

Senator ROCKS. Mr. President, I rise in a very brief response to the Majority Leader's response to the Democratic Leader in this Chamber as to why this bill goes to the Committee on Urban Affairs and Housing of the Senate. I understand that is the only question we have in front of us. I certainly can understand why the Majority Leader would be struggling a little bit with what might be his response on simply the merits of this legislation in front of us which cannot be debated or understood. I think it is only fair to be stated at this moment that abuses, when it comes to minority contractors, that this bill does address, are hardly limited to an area of redevelopment or housing. They cut across the entire spectrum of conducting business and commerce in this Commonwealth. In fact, this bill, as the Majority Leader well knows, does nothing but amend the Crimes Code and belongs nowhere but in the Committee on Judiciary of this Senate, so I ask for a very, very strong negative vote on behalf of all Senators on the question of process that is before us, as important a question as we may ever have to face, and to vote "no" on the motion to rerefer this bill to a committee it has absolutely no rationale going to.

Senator O'PAKE. Mr. President, I also rise in opposition to the motion to rerefer this bill to this particular committee. The problem is clearly one which has to be dealt with in the Crimes Code and that has historically been the jurisdiction of the Committee on Judiciary. As a matter of fact, the Senate Committee on Judiciary has already gone over this bill and has dealt with the problem. It is a very serious problem and that is that many people are using minorities and disadvantaged as fronts for corporations to get money that has been set aside to help the disadvantaged and the minorities. By rereferring the bill to this committee, we are avoiding facing that issue, and we are encouraging people in Pennsylvania to misuse and abuse the minorities and disadvantaged in order to get state contracts. I oppose the motion to rerefer and ask for a vote of opposition.

MOTION AMENDED

Senator ZEMPRELLI. Mr. President, I move to amend the motion to refer House Bill No. 1137, Printer's No. 2343, from a referral to the Committee on Urban Affairs and Housing to the Committee on Judiciary and ask for a roll call vote.

The PRESIDENT. Senator Zemprelli moves to amend the motion of Senator Jubelirer. The effect of Senator Zemprelli's motion would be to bring the motion to recommit House Bill No. 1137 to the Committee on Judiciary before the Senate.

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

Senator JUBELIRER. Mr. President, that would be an agreed to amendment.

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I request legislative leaves of absence on behalf of Senator Fumo and Senator Bodack who had to leave the floor for a meeting.

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

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

Senator ZEMPRELLI. Mr. President, I ask for a negative vote on the motion to recommit to the Committee on Judiciary.

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

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

YEAS—26

Bell	Hess	Loeper	Snyder
Brightbill	Holl	Moore	Stauffer
Corman	Hopper	O'Connell	Street
Fisher	Howard	Pecora	Tilghman
Greenleaf	Jubelirer	Rhoades	Wenger
Hager	Kratzer	Shaffer	Wilt
Helfrick	Kusse		

NAYS—24

Andrezeski	Lewis	O'Pake	Shumaker
Bodack	Lincoln	Reibman	Singel
Early	Lloyd	Rocks	Stapleton
Fumo	Lynch	Romanelli	Stout
Hankins	Mellow	Ross	Williams
Kelley	Musto	Scanlon	Zemprelli

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

The PRESIDENT. House Bill No. 1137 will be recommitted to the Committee on Judiciary.

BILL OVER IN ORDER TEMPORARILY

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 35 and SB 519 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL LAID ON THE TABLE

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?

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 many of the Members will recall, I had offered this amendment yesterday and in the interest of time I withdrew it because it appeared to stimulate a lot of interest, and for this I am quite pleased.

This amendment addresses the issue of raising monies for the Philadelphia School District. Understanding that the Philadelphia School District is presently funded by real estate

taxes and understanding the dilemma and shortage of funds that the school district is confronted with, it is my impression as a state Senator that it is the responsibility of those of us from the City of Philadelphia to come up with unique ideas or, at least, different ideas to raise money for the Philadelphia School District. In doing so, my office developed a—

POINT OF ORDER

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

The PRESIDENT. The gentleman from Philadelphia, Senator Rocks, will state his point of order.

Senator ROCKS. Mr. President, if I have an understanding of the amendment that is going to be before this Senate Chamber, it deals with the question of a referendum. If that, in fact, is the amendment, I ask the Chair, if, in fact, the remarks could be limited to that issue.

The PRESIDENT. The Chair finds the gentleman's remarks in order and he may proceed.

Senator STREET. Mr. President, I understand the reluctance of the good gentleman from Philadelphia, Senator Rocks, to have me discuss the need for monies for the Philadelphia School District, especially if it is his intent to vote against any ways to raise monies for Philadelphia. We are talking about ways to raise monies for a school district that is in dire need of money. What this amendment will do is put on the ballot in the upcoming primary the question as to whether the people in the first and second class cities would prefer or would be in favor of raising monies to educate our young people through small gaming devices or, in fact, gambling. I might suggest and say very positively that I have a unanimous resolution in my office from the Philadelphia School Board in support of this proposal. I have a unanimous resolution from the City Council of Philadelphia in support of this method of raising money. The only thing I do not have is how the people feel. I believe the least this Body can do is give the people an opportunity to say they would like to raise money through video bingo or they would not like to have our schools funded that way.

I suggest, as the framer and sponsor of this legislation, if the people say no, they do not want it, then the Members will hear nothing else about this proposal on this Senate floor from me. Mr. President, I ask for a “yes” vote on the amendment to allow the question to go before the people in this form of open government that we have in America.

Senator LLOYD. Mr. President, in deference to my colleagues who have had a long few days, I would ask them to recall to mind the remarks I made on this issue yesterday in opposition to the amendment before us. I reiterate my plea for a “no” vote on the amendment before us.

Senator KELLEY. Mr. President, I urge my colleagues to give due consideration to the merits of the argument of the gentleman from Philadelphia, Senator Street. However, the Members should not lose sight of the fact that by suggesting we could legislate the legalization of gambling for one or two counties and exclude other parts of the Commonwealth would, in a sense, be special legislation. In my opinion, this would require a universal application. What is suggested by

the amendment is a useless act. I daresay if we are going to have a referendum, it ought to be expressed throughout the entire Commonwealth and then we in the General Assembly could, in our legislative process and wisdom, hopefully determine where, when and how with local options as well as whether to have it or not. Regarding the merits of suggesting to consider whether we should have gambling as a method of raising additional monies for a school district or anything else governmentally, the question should be uniformly posed throughout the whole Commonwealth. Therefore, I urge a negative vote on this amendment.

Senator ROCKS. Mr. President, I am sure there is no one in this Senate more strongly allied with the gentleman from Philadelphia, Senator Street, when it comes to the funding of the Philadelphia School District than I. I greatly respect what has been the gentleman's very strong commitment to the concept of video gaming as a means of raising revenues.

I rise in opposition to this amendment for a singular purpose. It is one which was articulated rather expertly yesterday by my colleague from Philadelphia, Senator Lloyd. To briefly capsulize that, I am deeply concerned about a precedent on very narrow issues which begin to damage the entire concept of a representative democratic form of government. To go to referendum on an ever so narrowly defined issue as a singular form of gambling in two of sixty-seven counties of this Commonwealth, I believe to be a dangerously serious precedent for us to be establishing with a vote of this Legislature. I will support the gentleman from Philadelphia, Senator Street, any way I possibly can to address the proper levels of funding. We remain very, very strongly allied as fellow Philadelphians when it comes to that ever-pressing issue. On the question of video bingo as a singular form of gambling revenues designated for a specific purpose, it is an extremely narrow issue and I ask the Members to be most cautious when it comes to deciding issues like that in this Commonwealth by referendum.

Senator PECORA. Mr. President, I am very supportive of this amendment. I am very much opposed to gambling in Pennsylvania. I am opposed to this legislation, but what frightens me is that 196 House Members can vote for this gambling device for two great municipalities of our Commonwealth. I ask full support for this amendment so that in case this legislation passes, we do not mandate gambling devices in our two major cities with the objections of the people of those cities. I ask for a definite "yes" vote on this amendment.

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—24

Bell	Hess	Kusse	Shaffer
Brightbill	Holl	Loeper	Snyder
Corman	Hopper	Moore	Stauffer
Fisher	Howard	O'Connell	Street
Hager	Jubelirer	Pecora	Wenger
Hankins	Kratzer	Rhoades	Wilt

NAYS—26

Andrezeski	Lewis	Reibman	Singel
Bodack	Lincoln	Rocks	Stapleton
Early	Lloyd	Romanelli	Stout
Fumo	Lynch	Ross	Tilghman
Greenleaf	Mellow	Scanlon	Williams
Helfrick	Musto	Shumaker	Zemprelli
Kelley	O'Pake		

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?

MOTION TO LAY BILL ON TABLE

Senator JUBELIRER. Mr. President, I move that House Bill No. 574, Printer's No. 2118, be laid on the table.

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

Senator EARLY. Mr. President, I rise to offer an amendment to House Bill No. 574.

The PRESIDENT. The offering of an amendment is not in order at this time. We have a motion to lay the bill on the table which takes precedence.

Senator EARLY. Mr. President, we were bragging in this Chamber yesterday that everyone would have an opportunity to offer amendments on a bill on third consideration. If you are denying me that opportunity, you will be violating something we were bragging about yesterday, that we will not have an opportunity.

The PRESIDENT. The Chair has no intention of denying the gentleman an opportunity, he merely intends to enforce the Rules of the Senate. The Rules of the Senate indicate the gentleman's amendment is out of order at this time.

And the question recurring,
Will the Senate agree to the motion?
The motion was agreed to.

The PRESIDENT. House Bill No. 574 will be laid on the table.

BILLS OVER IN ORDER

SB 906, 988, 1045, 1115, 1139 and HB 1662 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SUPPLEMENTAL CALENDAR NO. 1

BILL ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS

HB 947 (Pr. No. 2330) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the duties of the school director district reapportionment commission and clarification of the number of school director

districts within a first class A school district; further providing for exceptional children; providing for the transfer of certain funds; deleting the time limitation on the conveyance of property to historical societies; further providing for revised computations of certain payments; and conforming provisions on school subsidies to existing law.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 947.

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.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1144 (Pr. No. 1597) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 5, 1933 (P. L. 364, No. 106), entitled, as amended, "Business Corporation Law," clarifying the right of directors and officers to consider the effects of corporate actions upon employees, suppliers, customers and communities; providing for interested shareholder transactions; and conferring certain rights on noncontrolling shareholders.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1144.

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.

SUPPLEMENTAL CALENDAR NO. 2

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 983 (Pr. No. 1611) — 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; to the Department of Agriculture for expenses incurred which are associated with the avian influenza epidemic of 1983 and to the Department of Education for services and supplies for nonpublic schools.

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.

RECONSIDERATION OF SB 1144

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1144 (Pr. No. 1597) — Senator LLOYD. Mr. President, I move to reconsider the vote by which the Senate concurred in House amendments to Senate Bill No. 1144, Printer's No. 1597.

The motion was agreed to.

And the question recurring,
Will the Senate concur in House amendments?

Senator LLOYD. Mr. President, I want to point out to my colleagues that Senate Bill No. 1144 is the bill regarding how corporate takeovers are effected. I have the feeling it is an important piece of legislation which was flying by us here on the floor and I want to make sure everyone knows what they are voting on in Senate Bill No. 1144.

Senator TILGHMAN. Mr. President, I resent the implication of the gentleman from Philadelphia, Senator Lloyd, that nobody knew what was happening on the floor and we have to go through this charade.

Senator ZEMPRELLI. Mr. President, I know it is late at night and there are a lot of people who are concerned about the way the Session has been going this week. Quite frankly, it is as if we are at the end of the Session rather than going for a Merry Christmas in some sense of the word. Every indication here is that they are trying to wrap up a Session with all that is going on. I say that I do not judge the remarks of the gentleman from Philadelphia, Senator Lloyd, to be as they were interpreted by the gentleman from Montgomery, Senator Tilghman. The fact of the matter is the bill we are now passing upon was, in fact, very heatedly debated before. Some of us—I am sure not the gentleman from Montgomery, Senator Tilghman—were not consciously aware of what was happening with the bill and I have to confess I was one of them because I was on the phone. I think the gentleman from Philadelphia, Senator Lloyd, was speaking to me more than anyone else. At that time, we spoke primarily about whether the bill was what it had been represented to be in terms of whether it was beneficial to the stockholders or whether it was, in fact, beneficial to those who are in charge of the corporate enterprises and some of us had reservations. As a matter of fact, the thrust of our being opposed to voting in favor of it at that time was based on the need for an opportunity to really judge the full impact of what Senate Bill No. 1144 did. Now we have the bill back from the House in substance and form which apparently accommodates certain corporate interests in Pennsylvania that have made the bill palatable—that is about the best word I can use—between certain corporate interests. That is okay. It does not really change the nature of the bill, in the first instance, it would put a barnacle on what the bill first did as to suggest, with the exception of certain powers that are vested in certain corporations to do certain things in order to prevent certain kinds of takeovers, there is, however, this exception which sort of isolates one or two of our Pennsylvania corporations.

The question still recurs as to whether stockholders are the ultimate beneficiaries as has been projected as being one of the fine things about this bill or whether or not that may be a veil for protecting certain corporate enterprises that otherwise might go by the way by virtue of corporate takeover in an issue where other people may be acquiring stock in that corporation. I think that is the thrust of what this bill is. At the time I had reservations about voting for it and did vote in the nega-

tive based upon the fact I thought I wanted a greater opportunity to view it and because there was a great deal of confusion about the bill in the marketplace and certainly in our caucus. I do not think that situation has changed one bit in terms of some confusion existing and also the fact that this bill has not really been changed by the amendments in the House except as to create an isolation situation as it would affect several special interests. I do not object to that. I think that is what we are doing here this afternoon, nothing more, nothing less.

I may very well vote for this bill at this time with the reservation as to an observation of the bill after an experience factor, to determine whether or not the bill is really in the interest of minority stockholders or whether it has been used as a guise to protect corporations in the State of Pennsylvania and, if so, whether such action is justified. I think that is a fact that will be determined at a later date.

Senator FUMO. Mr. President, I rise to speak in favor of our concurrence in House amendments. I spoke on this bill before. It was a good bill then and it is apparently now a better bill, although I do not quite honestly think the amendments were as necessary as some people believe they were. In all deference to my leader, the gentleman from Allegheny, Senator Zemprelli, I submit to this Senate that, yes, this bill does help corporate interests in Pennsylvania, but it helps Pennsylvania in improving the corporate business climate here so we can keep our jobs here and hopefully even attract new ones. I say that as a Democrat because I am interested in having the unemployment rate cut in Pennsylvania and not added to, especially due to unfair and, quite frankly, adversarial mergers. I urge all the Members of this Senate to vote in favor of this bill this time so we can give a very clear message to the business community, the labor community and to the entire nation that businesses do, in fact, have a friend in Pennsylvania, and that friend is its Legislature who can respond to corporate needs when they are in the best interest of all the citizens of Pennsylvania.

Senator FISHER. Mr. President, I likewise urge concurrence in the House amendments to Senate Bill No. 1144. Once again, to try to help perhaps dispel some of the concerns of the gentleman from Allegheny, Senator Zemprelli, and others, we cannot tell what the actual effects will be on every public corporation, particularly those that would be affected by the amendments to Section 910 of the Corporate Code. I think the opt-out provisions which I referred to last week when we debated the bill are the key provisions which will give every corporation, either through its board of directors or through its stockholders, the right to determine whether the provisions of this act are best for them. I echo the remarks of the gentleman from Philadelphia, Senator Fumo. I think this legislation is important to the business climate of our Commonwealth and I urge concurrence by the Members of the Senate.

And the question recurring,
Will the Senate concur in House amendments?

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

YEAS—48

Andrezeski	Hess	Moore	Shumaker
Bell	Holl	Musto	Singel
Bodack	Hopper	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	Loeper	Ross	Williams
Hankins	Lynch	Scanlon	Wilt
Helfrick	Mellow	Shaffer	Zemprelli

NAYS—2

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table for consideration certain nomination previously reported from committee and laid on the table.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

December 2, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert P. Horgos, 709 East Ninth Avenue, Munhall 15120, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1986, vice the Honorable Francis Barry, confirmed as Commonwealth Court Judge.

DICK THORNBURGH.

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

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

YEAS—50

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

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table for consideration certain nomination previously reported from committee and laid on the table.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS, BRADFORD COUNTY

November 1, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Jeffrey Alan Smith, Esquire, 363 York Avenue, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of Bradford County, to serve until the first Monday of January, 1986, vice the Honorable Evan S. Williams, resigned.

DICK THORNBURGH.

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

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

YEAS—50

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

**COMMUNICATIONS FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator LOEPER called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER**

December 2, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 26, 1983 for the appointment of Bernard F. Keelan, 1042 Haverford Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Frank M. Miller, Johnstown, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

DICK THORNBURGH.

**MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM
OF HIGHER EDUCATION**

December 2, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 1983 for the appointment of Elmer G. Grant, 451 Homan Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

I respectfully request the return to me of the official message of nomination on the premises.

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator LOEPER. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

Senator JUBELIRER. Mr. President, I ask for a very brief recess of the Senate for a short Republican caucus to begin immediately. I expect in the next fifteen to twenty minutes to return to the floor.

Senator ZEMPRELLI. Mr. President, in the interest of expediting today's Session, when I hear the Republicans want to go into caucus, it must be about some issue that we are going to have to deal with and I would appreciate knowing what the intention is completely so that we may caucus on the issue and, if any amendments are to be offered, that we might have them for review.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, I have been advised what the Majority intends and I would ask all Members of the Democratic caucus to come to a short caucus in the back of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses, the Chair declares the Senate in recess.

AFTER RECESS

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 1391 CALLED UP

HB 1391 (Pr. No. 2177) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

HB 1391 (Pr. No. 2177) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), merging the State Horse Racing Fund and the State Harness Racing Fund into a single State Racing Fund; revising the taxation of funds from pari-mutuel tickets; and further providing for the distribution of revenues.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3, page 7, line 6, by striking out "A SUBSECTION IS" and inserting: subsections are

Amend Sec. 3 (Sec. 222), page 8, line 16, by inserting a bracket before "The"

Amend Sec. 3 (Sec. 222), page 8, line 18, by striking out the bracket before "35"

Amend Sec. 3 (Sec. 222), page 8, line 18, by striking out "'] 25'"

Amend Sec. 3 (Sec. 222), page 8, line 20, by striking out the bracket before "4 1/2'"

Amend Sec. 3 (Sec. 222), page 8, line 20, by striking out "'] 2 1/2%"

Amend Sec. 3 (Sec. 222), page 8, line 21, by striking out the bracket before "36th"

Amend Sec. 3 (Sec. 222), page 8, line 21, by striking out "'] 26th"

Amend Sec. 3 (Sec. 222), page 8, line 22, by striking out the bracket before "55th"

Amend Sec. 3 (Sec. 222), page 8, line 22, by striking out "'] 50th"

Amend Sec. 3 (Sec. 222), page 8, line 23, by striking out the bracket before "4%"

Amend Sec. 3 (Sec. 222), page 8, line 23, by striking out "'] 2%"

Amend Sec. 3 (Sec. 222), page 8, line 24, by striking out the bracket before "56th"

Amend Sec. 3 (Sec. 222), page 8, line 24, by striking out "'] 51st"

Amend Sec. 3 (Sec. 222), page 8, line 26, by striking out the bracket before "3 1/2%"

Amend Sec. 3 (Sec. 222), page 8, line 26, by striking out "'] 1 1/2%"

Amend Sec. 3 (Sec. 222), page 8, line 27, by striking out the bracket before "95th"

Amend Sec. 3 (Sec. 222), page 8, line 27, by striking out the bracket after "95th"

Amend Sec. 3 (Sec. 222), page 8, line 28, by striking out "100th"

Amend Sec. 3 (Sec. 222), page 8, line 29, by striking out the bracket before "3%"

Amend Sec. 3 (Sec. 222), page 8, line 29, by striking out "'] 1%"

Amend Sec. 3 (Sec. 222), page 8, line 30, by striking out the bracket before "96th"

Amend Sec. 3 (Sec. 222), page 8, line 30, by striking out "'] 101st"

Amend Sec. 3 (Sec. 222), page 9, line 1, by striking out the bracket before "115th"

Amend Sec. 3 (Sec. 222), page 9, line 1, by striking out "'] 150th"

Amend Sec. 3 (Sec. 222), page 9, line 2, by striking out the bracket before "2 1/2%"

Amend Sec. 3 (Sec. 222), page 9, line 2, by striking out "'] .5%"

Amend Sec. 3 (Sec. 222), page 9, line 3, by striking out the bracket before "(vi)"

Amend Sec. 3 (Sec. 222), page 9, line 5, by inserting after "2%.]":

(a.1) At the close of each day of racing, all corporations licensed to conduct harness horse race meetings or thoroughbred horse race meetings which annually conduct at least 100 days of racing, or when two licensed corporations conduct their race meetings at the same facility and between them annually conduct at least 175 days of racing, will pay out of the moneys retained on that day under section 221, through the Department of Revenue for credit to the State Horse Racing Fund the following taxes for the time periods stated:

(1) From January 1, 1984 through June 30, 1984 - 3.8%.

(2) From July 1, 1984 through June 30, 1986 - 2.0%.

(3) After June 30, 1986 - 1.5%.

(a.2) Corporations not annually conducting at least 100 days of racing, or 175 days of racing in conjunction with another licensee at the same facility as described above, will pay 2.5% from July 1, 1984 to June 30, 1986, and 2.0% thereafter. This subsection shall not apply if races are not conducted because of an act of God or because of a strike resulting from a labor dispute.

Amend Sec. 3 (Sec. 222), page 9, line 6, by inserting brackets before and after "(vii)" and inserting immediately thereafter: (a.3)

Amend Sec. 3 (Sec. 222), page 12, lines 16 through 30; page 13, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 5, page 14, lines 7 through 9, by striking out "(a) This act shall apply retroactively to July" in line 7, all of line 8 and "(b)" in line 9

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'CONNELL.

UNFINISHED BUSINESS

BILLS IN PLACE

Senator KUSSE presented to the Chair two bills.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 547**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will be placed on the Calendar.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 11, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 11**, and has appointed Messrs. TAYLOR, WACHOB and L. E. SMITH as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 985, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 985**, and has appointed Messrs. PIEVSKY, DeWEESE and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1049**, with the information that the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 808**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDENT** pro tempore. The bill, as amended, will be placed on the Calendar.

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 14, 1983

HB 702 and **1608** — Committee on Labor and Industry.

HB 1436 — Committee on Local Government.

HB 1450 — Committee on Finance.

HB 1546 and **1631** — Committee on Transportation.

GENERAL COMMUNICATIONS**BILLS INTRODUCED AND REFERRED**

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

December 14, 1983

Senator **ANDREZESKI** presented to the Chair **SB 1187**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, permitting the use of revenue from motor fuel excise taxes to establish and maintain public recreational trails and waterways for motorized recreational vehicles on public and private lands.

Which was committed to the Committee on **RULES AND EXECUTIVE NOMINATIONS**, December 14, 1983.

Senator **ANDREZESKI** presented to the Chair **SB 1188**, entitled:

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), entitled, as amended, "The Liquid Fuels Tax Act," providing for tax on fuels used in snowmobiles to be paid into the snowmobile restricted receipts fund.

Which was committed to the Committee on **TRANSPORTATION**, December 14, 1983.

Senator **ANDREZESKI** presented to the Chair **SB 1189**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, creating a grant program to establish and maintain public recreational trails for snowmobiles on public and private lands.

Which was committed to the Committee on **TRANSPORTATION**, December 14, 1983.

Senators **HOWARD**, **KRATZER**, **SHUMAKER**, **HOLL**, **BODACK**, **BRIGHTBILL**, **ANDREZESKI**, **ZEMPRELLI** and **HAGER** presented to the Chair **SB 1190**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of cruelty to animals and disposition of certain fines.

Which was committed to the Committee on **JUDICIARY**, December 14, 1983.

RESOLUTION INTRODUCED AND REFERRED

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

December 14, 1983

**MEMORIALIZING THE PRESIDENT
AND CONGRESS TO ACT ON THE
ESTABLISHING OF IMPORT QUOTAS
ON STEEL MILL PRODUCTS**

Senators **SHAFFER**, **ROSS**, **SINGEL**, **STOUT** and **FISHER** offered the following resolution (**Senate Resolution No. 91**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, December 14, 1983.

A RESOLUTION

Memorializing the President and Congress to act on the establishing of import quotas on steel mill products.

WHEREAS, Trade in steel is totally distorted by foreign government subsidies, dumping and the protection of their home markets by most foreign governments; and

WHEREAS, Steel is the necessary material for any industrial economy and a major source of employment; and

WHEREAS, Foreign government involvement in the steel industry has led to a chronic and increasing unfair trade problem; and

WHEREAS, The United States is the only major open market for steel left in the world, government-owned or supported steelmakers have resorted to selling dumped and subsidized steel on U.S. markets; and

WHEREAS, Foreign competitors unconstrained by the need to be profitable, have been systematically destroying our domestic steel industry; and

WHEREAS, In 1982 steel imports rose to record levels of 21.8% of the market and 1983 shows that they are still taking one-fifth of the market; and

WHEREAS, Those record imports, combined with the recession which continues in steel, are causing losses of \$5 billion by domestic companies from January 1982 through the third quarter of 1983; and

WHEREAS, These unfairly traded imports have played a major role in the loss of jobs by 270,000 steelworkers since 1974 and a continued lay-off of more than 100,000 steel industry employees today; and

WHEREAS, The domestic steel industry is aggressively pursuing self-help measures to restore the industry to a healthy, competitive position; therefore be it

RESOLVED, That the Senate of Pennsylvania hereby supports our steel producers in their efforts to ensure a long-term contribution to the industrial strength and national defense of the United States; and be it further

RESOLVED, That the Senate of Pennsylvania hereby strongly urges a temporary pause from the crippling impact of unfairly traded imports so that our industries might carry out capital improvements and plans for modernization; and be it further

RESOLVED, That the Senate of Pennsylvania hereby supports the Fair Trade in Steel Act of 1983, which will provide the necessary pause for the revitalization of our steel industry and the further stimulation of employment; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

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

BILLS SIGNED

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

SB 603, 995, 1049, 1144 and HB 92.

The **PRESIDING OFFICER** (D. Michael Fisher) in the Chair.

REPORTS FROM COMMITTEE

Senator **GREENLEAF**, from the Committee on Law and Justice, reported the following bills:

SB 1034 (Pr. No. 1620) (Amended)

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

HB 529 (Pr. No. 596)

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), permitting the sale of liquor that is part of a decedent's estate.

RECESS

The **PRESIDING OFFICER**. The Senate will stand in brief recess for purposes of a Republican caucus.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

Senator **STAPLETON**. Mr. President, I request temporary legislative leaves of absence for Senator Singel who is attend-

ing a commission dinner and Senator Scanlon who is on legislative business.

Senator **JUBELIRER**. Mr. President, I request legislative leaves of absence for Senator Wilt, Senator Hopper and Senator Corman for the same reasons set forth by Senator Stapleton.

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

LEAVE OF ABSENCE

Senator **JUBELIRER** asked and obtained leave of absence for Senator **BELL**, for the remainder of today's Session, for personal reasons.

RESOLUTION OFFERED

Senator **SHUMAKER**. Mr. President, I rise to introduce a resolution and request unanimous consent for its immediate consideration.

The **PRESIDENT pro tempore**. Senator Shumaker asks unanimous consent for the immediate consideration of a resolution which he has introduced, which the Clerk will read. Is there any objection to the granting?

Senator **MELLOW**. Mr. President, I object.

The **PRESIDENT pro tempore**. There being an objection, the resolution cannot be considered and will be referred to a committee.

SUPPLEMENTAL CALENDAR NO. 3

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1391 (Pr. No. 2360) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), merging the State Horse Racing Fund and the State Harness Racing Fund into a single State Racing Fund; revising the taxation of funds from pari-mutuel tickets; and further providing for the distribution of revenues.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator **TILGHMAN**. Mr. President, it has been explained to us in our caucus that there is some immediacy about this legislation and I find no fault with that argument. However, there are some fiscal implications of this legislation to the General Fund. I have just been handed a fiscal note relative to that information and I am going to hand the fiscal note to the reporter so it can be a part of the record for this evening's procedure.

(The following fiscal note was made a part of the record at the request of the gentleman from Montgomery, Senator TILGHMAN:)

COMMONWEALTH OF PENNSYLVANIA

December 14, 1983

Subject: FISCAL NOTE
House Bill 1391
Printer's No. 2177
Amendment A 4745

To: Mr. William H. Clouser
Executive Director
Senate Appropriations Committee

From: Kant Rao
Deputy Secretary of the Budget

Amendment A 4745 to House Bill 1391, Printer's Number 2177, would replace the sliding scale of 4.5% to 2.0% on which the wagering tax is currently computed with a flat tax rate of:

- (a) 3.8% for the period of January 1, 1984 through June 30, 1984;
- (b) 2.0% for the period of July 1, 1984 through June 30, 1986; and
- (c) 1.5% thereafter June 30, 1986.

All corporations licensed to conduct harness horse race meetings or thoroughbred horse race meetings which annually conduct 100 days of racing or when two licensed corporations conduct their race meetings at the same facility and between them annually conduct at least 175 days of racing, would be subject to pay the above flat tax rate out of moneys retained on that day under Section 221, through the Department of Revenue for credit to the State Horse Racing Fund. Corporations not annually conducting the above schedule of racing days would be subject to a penalty of 0.5%.

Additionally, Amendment A 4745 would eliminate \$7.8 million in programs previously funded from Horse and Harness Racing revenues. These programs consist of \$3.5 million for the Philadelphia School District, \$1.5 million for sewer and water projects administered by the Department of Commence, and \$2.8 million for the Pennsylvania Fair Fund. It is assumed that in the future these programs would be funded by the General Fund.

The fiscal impact of the flat tax rate over current law, i. e., Act 135 of 1981, would produce the following impact on the Racing Fund:

- (a) The 3.8% tax rate from 1/1/84 through 6/30/84 inclusive would cause a net loss of \$527,000 to the Racing Fund. This impact would be felt by the General Fund through a lower amount of transfer from the Racing Fund.
- (b) The 2.0% tax rate from 7/1/84 through 6/30/86 would cause a net loss to the Racing Fund of \$7,695,000 annually; or a total of \$15,390,000 for this two year period.
- (c) The 1.5% tax rate for each fiscal year thereafter would cause a net loss to the Racing Fund of \$10,422,533 annually. As a result, the General Fund would experience a loss of transfer of about \$7.5 million under current law.

These revenue losses to the General Fund are based on the annual handles remaining constant at about \$351 million for the Horse Racing Industry and \$190 million for the Harness Racing Industry. These annual handles are reflected in the Governor's FY 1983-84 Budget.

The penalty tax if imposed would generate additional revenues which would at most be minimal. It is assumed most racing corporations will race the required number of racing days as this is to their overall benefit.

Senator LLOYD. Mr. President, I shall be brief in outlining the reasons for my support and that of others for House Bill No. 1391. The only reason I take this moment to do that is to clarify the record in terms of those reasons and to allay some concerns that some may have.

The racing industry in Pennsylvania is suffering from a series of market conditions which are adversely impacting on the industry. The industry is currently taxed at a rate much higher than other Pennsylvania industries. For example, it is not taxed the way U.S. Steel is taxed, or Joe's Bar and Grill for that matter, but it is taxed at a very high premium rate. This came about because at one time it was a very profitable industry and it was a regulated industry and there were reasons for that. However, in the interim, we have casinos in Atlantic City, we have the Meadowlands in northern New Jersey which is subsidized by the State of New Jersey, we have \$90 million that has been invested in the new Garden State Park in New Jersey, and the State of New Jersey has issued an additional \$40 million in industrial development bonds for that particular project. As a result, our industry in Pennsylvania has suffered greatly. The bill before us, Mr. President, adjusts the taxation rate for that industry and has a number of very clear and positive effects. First and foremost amongst them is that as a result of this legislation this evening, Liberty Bell Race Track, which would have closed tomorrow, for which layoff notices would have been sent out that would have affected 1,450, including 450 people who work for the track and an additional 1,000 who work in the restaurants, work in the barns, work on the track itself, would have all been laid off and out of work. Those 1,450 families would then have had to go on unemployment and on welfare here in Pennsylvania.

I do not pretend for a moment, Mr. President, that this bill solves all the problems of the racing industry and I would not be standing here supporting a bill that took \$20 million or \$10 million out of PIDA, for example, and poured it into an industry whose future is uncertain. However, I have little doubt that in order to protect the jobs, not only at Liberty Bell but also at the other racing institutions across Pennsylvania, that the legislation before us is, in fact, a worthwhile investment. I think it makes sense.

The Members may be interested to know that two years ago when we passed legislation regarding the tax structure for the racing industry, I opposed that legislation, I spoke against it, I fought against it, and I moved to recall it from the House when it was sent to the House from the Senate. But since that time I have become increasingly aware that as a result of market conditions, as a result of economic conditions and as a result of the fact that this industry is taxed in a fashion that is totally different from other industries in Pennsylvania that something has to be done to protect the industry and to protect the private sector employment that is involved. I am

going to outline to the Members, to give them a sense of what is involved here, the kind of money it means to the State of Pennsylvania and to our local municipalities.

In 1982, Keystone Race Track in Bucks County, for example, paid the State of Pennsylvania \$463,000 in sales tax. They paid the State of Pennsylvania \$278,000 in admissions tax. They paid \$173,000 in corporate net income tax.

On the county and township level they paid \$74,000 in a parking lot tax at twenty-five cents per car. They paid \$31,000 in a gross receipts tax, \$916,000 in a school real estate tax, \$286,000 in a township and city real estate tax, \$60,000 in police support funds and \$2,200 in license fees. On the federal level, Keystone paid \$1.5 million in gambling tax, \$173,000 in federal corporate income tax, \$484,000 in federal matching Social Security tax and \$40,000 in federal unemployment tax.

Keystone employs about 500 people and Liberty Bell about 450 people. In both instances an additional 1,000 people work there. I must say, Mr. President, that some of the jobs at these racing institutions I must admit are menial in nature. Unfortunately, some of the people who work there may not be able to acquire other employment and would be forced to be relegated to the welfare rolls if these employment opportunities were not available. In Keystone's instance, the employees at Keystone paid \$140,000 in state income tax, \$122,000 in Philadelphia wage tax, \$6,700 to Bensalem for occupational privilege tax, an additional \$23,000 in New Jersey income tax and \$1,290,000 in federal income tax.

Mr. President, this bill makes good economic sense. What would we be willing to do if we had an employer that was willing to come into our Commonwealth with 1,450 jobs? I suspect we would make an effort to bring them here.

In closing, let me say that I believe House Bill No. 1391 makes good solid economic sense for the Commonwealth of Pennsylvania and I ask for a "yes" vote on the legislation.

Senator KELLEY. Mr. President, I only want to say that I hope the argument and the reasons that were just espoused by the gentleman from Philadelphia will remain indelibly upon the minds of all of the Members in this Body as well as our colleagues in the other Body when other matters of similar argument could be made of equal input. May I say, as the gentleman from Philadelphia said, it makes good economic sense. Down the road when we talk about creating four or five times as many jobs in the "privatization" of the dispensing of alcoholic beverages, the same standards should be used. Likewise, when we are talking in terms of other legalizations I only want to say, let his argument be persuasive tonight but be retained among us as we vote on this bill and other similar bills where arguments can be advanced.

Senator O'CONNELL. Mr. President, I will be brief. House Bill No. 1391, as amended, has, indeed, some urgency about it and I do not think there is any question about it or we probably would not be here tonight considering it. I know there are Members who are concerned about being here to consider this legislation, but it is tremendously important as other speakers have indicated. In my judgment, this attempt merely relieves a burden which is placed on a business and an

industry that puts it at a very definite noncompetitive position. This really does not do a lot but relieve an industry of an overburden and treats it fairly. It treats it exactly as it does other businesses and industries in this Commonwealth.

Mr. President, I hope what we do here tonight encourages the industry to remain, keeps it a little strong and will give it some promise and an opportunity to compete against markets in a very difficult circumstance.

Senator STREET. Mr. President, I had not intended to say anything, but is horse racing gambling? I am concerned. I do not know whether the horse racing industry is gambling because I just heard at the racetrack that they go and they bet. We talked about supporting the schools, and one of the main wheelers and dealers on the other side who is against the proposal talked about \$916,000 from the gambling horse racing industry for school taxes and \$122,000 in wage taxes. I believe we are worthy of supporting this. Monies that come from gambling should be used to support schools and should be used for wage taxes. I say with that we should vote "yes" on this proposal.

Senator FUMO. Mr. President, I am a little confused on the last gentleman's remarks, but I think I might even agree with him. What I do want to say about this is that in discussions we have had, and I want to make it very clear, the question that was asked was if we enact this legislation tonight, will Liberty Bell Race Track be in business five years from now? The answer was that no one could guarantee that. I may have said in a very joking way that, yes, it will, because I predict in two or three years we will be back here again doing the same thing and doing another "giveaway" to keep this industry alive. When we reach the point where we tax this industry like other industries, we probably will not have the problem. I think the thing everyone has to understand here tonight is that the racing industry is an economic base upon which many people rest their lives. While it may appear on the one hand that money is being given back to some people that we could almost automatically get, unless we do this tonight we are going to kill that industry. Liberty Bell is only the tip of the iceberg. The jobs there are in jeopardy today, but tomorrow they will be in jeopardy at the other tracks and eventually we might be out of this business, then we are going to lose the collateral taxes we have been able to collect. We are going to lose the collateral taxes the employees have paid in income and other taxes and, more importantly, we are going to increase the unemployment compensation problem, the welfare problem and other problems.

Mr. President, I do not want anybody to think this is the last time we are going to be here doing this. Two or three years down the line I fully predict if things continue the way they are, we are going to have to do this again. We did it before and I supported it and we knew then that was not the end of the line.

I do want to address some of the remarks made by the gentleman from Philadelphia, Senator Street, and that is that part of the problem Liberty Bell faces now and part of the problem Keystone is going to face later on is the fact that hun-

dreds of thousands of Pennsylvanians are going across those bridges into New Jersey and taking that money we could be getting taxes from and contributing it not only to the New Jersey taxation base but also to their economy. It is about time we in this General Assembly begin to look very seriously and realistically at other forms of gambling that are going to bring revenues into this Commonwealth. We have talked many times before about slot machines and things of that nature and I think that is what we have to consider in the future so we can increase our base.

Mr. President, I support the legislation.

And the question recurring,
Shall the bill pass finally?

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

Senator GREENLEAF. 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 taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—39

Andrezeski	Hopper	Moore	Shumaker
Bodack	Jubelirer	Musto	Singel
Brightbill	Kelley	O'Connell	Stapleton
Corman	Kusse	Reibman	Stout
Early	Lewis	Rhoades	Street
Fisher	Lincoln	Röcks	Wenger
Fumo	Lloyd	Romanelli	Williams
Hager	Loeper	Ross	Wilt
Hankins	Lynch	Scanlon	Zemprelli
Hess	Mellow	Shaffer	

NAYS—9

Greenleaf	Howard	Pecora	Stauffer
Helfrick	Kratzer	Snyder	Tilghman
Holl			

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.

HOLIDAY WISHES EXTENDED TO MEMBERS

The PRESIDENT pro tempore. The Chair takes this opportunity on behalf of all Members of the Senate to wish each of the Members of the Senate a very happy and fulfilling holiday season. I personally wish you were all imbued with the spirit of peace, and that you will bring some of that spirit back to the Chamber with you in January. Merry Christmas, Santa Claus.

BILLS ON FIRST CONSIDERATION

Senator FUMO. 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 1034, 1118, HB 529, 1154, 1235 and 1241.

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

UNFINISHED BUSINESS

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Daryl L. Balmer by Senator Brightbill.

Congratulations of the Senate were extended to John Glatz, Paul M. Dubbs, Richard Waite and to Sergeant George Harold Keibler by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Elmer Naumann by Senator Early.

Congratulations of the Senate were extended to the Ethnic Political Action Council and the Ukrainian Society by Senator Fumo.

Congratulations of the Senate were extended to Mario Mele by Senator Greenleaf.

Congratulations of the Senate were extended to the Southern Columbia Area High School "Tigers" Football Team by Senator Helfrick.

Congratulations of the Senate were extended to Orden Almonrode by Senator Howard.

Congratulations of the Senate were extended to Ryan Lowry by Senator Lloyd.

Congratulations of the Senate were extended to Daniel Truitt by Senator Loeper.

Congratulations of the Senate were extended to John Sinco and to Michael Sinco by Senator Musto.

Congratulations of the Senate were extended to Mrs. Margarete J. Balquist, James W. Gray and to Lance Corporal Jeffrey Allen Roscoe by Senator Pecora.

Congratulations of the Senate were extended to Norma Leftwich and to Mr. U. Grant Means by Senator Rocks.

Congratulations of the Senate were extended to the Aliquippa High School Football Team and to the Western Beaver High School Football Team by Senator Ross.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Aiello, Mr. and Mrs. Elmer J. McCaslin, Mr. and Mrs. Chris Neibar, Mr. and Mrs. John R. Wright and to Shelly Jean Bowser by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Salvatore Fulginiti and to James C. Kanelos, Jr. by Senator Shumaker.

Congratulations of the Senate were extended to Dennis Theodoratos by Senators Shumaker and Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. James H. Miltz, Mr. and Mrs. Carey C. Jones, Mr. and

Mrs. Henry Felix, Mr. and Mrs. Robert A. Ashmore, Mr. and Mrs. Willis Chiff and to Mr. and Mrs. Robert M. Colvin by Senator Stout.

Congratulations of the Senate were extended to Donald F. Reinhart, Jr. by Senator Wilt.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Franks by Senator Zemprelli.

BILL IN PLACE

Senator ROCKS presented to the Chair a bill.

PETITIONS AND REMONSTRANCES

Senator SHUMAKER. Mr. President, I am going to, indeed, make this short. I am a little bit disappointed tonight. I made a request for unanimous consent for immediate consideration of a resolution which is very timely and very important, particularly to this area where I live in central Pennsylvania.

The sense of this resolution was that we are asking the NRC Commissioners to adhere to due process and delay any decision on the restart of TMI-I until all criminal, civil and administrative issues are resolved in full as adjudicatory proceedings.

I am very sorry that one Member of the Democratic Party, the gentleman from Lackawanna, Senator Mellow, saw fit to object to unanimous consent. It was particularly disappointing when three Members of his party, the lady from Northampton, Senator Reibman, the gentleman from Allegheny, Senator Bodack and the gentleman from Philadelphia, Senator Lloyd, were sponsors along with ten Republicans on this bill. I only say that I hope that some way the message will get out to the NRC.

Except for this one vote, and maybe others that I do not know about, this is a clear message to the NRC that we hope they delay all proceedings until these matters are decided. I might say that Senator Spector has already spoken out very clearly on this subject. Congressman Gekas from this area, who also has TMI in his district, has spoken out, and everyone is asking for the same thing. In fact, Senator Spector said he hoped it would not be restarted until a hearing on the safety of the entire plant and the competence of its management is concluded. This, of course, would be included as part of our sense of the resolution and I think the public in our area is behind such a resolution. I think the Senate will adopt it when it returns, but because the NRC may be meeting on December 19th or in January, before we return, I hope they will get the clear message of how the people of this area feel. Hopefully, the Senate will second that resolution in January.

Senator MELLOW. Mr. President, I do not think I have to apologize for my record with regard to TMI. I think if the gentleman from Dauphin, Senator Shumaker, would only look at the record, he will find out from the very start of the accident at TMI that I have been one who has been a very strong outspoken proponent on this floor as to what things should take place with regard to the NRC and with regard to

the Department of Environmental Resources. I, myself, have raised some very strong questions as to the start-up of TMI.

Mr. President, I also think it is well worth noting that this resolution that has now been introduced on the final day of this Session of this particular year, at approximately 7:30 p.m., is a very broad resolution. Mr. President, it talks about criminal, civil and administrative issues, none of them having been defined. The obvious is that we know what a criminal and civil issue is, but when we further broaden it to administrative issues, I think that leaves a whole new area that has to be touched upon.

Also, I have to further admonish the gentleman, Mr. President, because he knew prior to this evening that the NRC was going to take some kind of action later on this month. In fact, he had both Monday and Tuesday when he could have introduced this resolution. The Committee on Rules and Executive Nominations met on both Monday and Tuesday. They could have acted on the resolution and reported it to the full Senate floor, where it probably would have received unanimous consideration.

I think, Mr. President, we have to address ourselves to what the gentleman means by administrative issues. I personally have no problem because, as I have said, the record is clear. I would not want the gentleman to challenge my feeling or my stance on TMI because I think he will find out where I have stood. Basically, it has been in favor of the people of central Pennsylvania, in view of the fact that I do not represent them. Anytime we ask for a resolution and ask for the full Senate to consider something where we talk about all criminal, civil and administrative issues, not knowing what the full broad parameters are of administrative issues, I think it is at that point in time something the Committee on Rules and Executive Nominations should have an opportunity of discussing so that we, in fact, can deliberate it and report it to the full Senate.

I think the gentleman should further know that this is not something that Senator Mellow himself objected to. We informed the Majority Leader at the recess that the Democratic caucus was opposed to the immediate consideration of the resolution today. If the gentleman would like to stay here tomorrow, I, for one, would be only too happy to stay and have the Majority Leader convene the Committee on Rules and Executive Nominations. Once we had a full description from the gentleman as to what he means by administrative issues, we could then consider the resolution.

ANNOUNCEMENT BY THE CHAIR

The PRESIDENT pro tempore. The Chair would like to explain to those Members still present that the adjournment motion will be slightly unusual, but there is a precedent for it in the Senate that the adjournment motion, as I understand it, will call for adjournment upon the signing of documents to be received from the House of Representatives. That way, only the President pro tempore must stay until those documents arrive and no other Senator need be here. There will be no legislation considered; there will be no legislation moved.

Senator EARLY. Mr. President, when the adjournment motion is finally made, would the Chair please cast my vote in the negative?

The PRESIDENT pro tempore. We will be taking a vote on that issue. The motion will be made immediately, Senator, so if you would care to have a seat, you can be here yourself to cast the vote.

HOLIDAY WISHES EXTENDED TO MEMBERS

Senator JUBELIRER. Mr. President, as I make the adjournment resolution, I, too, in the spirit of the times, would like to wish all Members of the Senate and their families, the Senate staff and their families, members of the news media and their families a very safe, healthy and happy holiday, and that we return prepared to do the business of the Senate as we reorganize the Senate on our constitutional day of January 3rd, and begin the 1984 Session of the second year of the Session on January 23rd, which promises to be as lively and as full and exciting as has been exemplified, perhaps, by this week. I hope this does not happen all in one week, Mr. President.

MOTION TO ADJOURN

Senator JUBELIRER. Mr. President, with those prefatory remarks and with nothing further, I move that the Senate do now adjourn until Tuesday, January 3, 1984, at 11:45 a.m., Eastern Standard Time, upon the receipt and execution of bills and other documents by the Presiding Officer.

The PRESIDENT pro tempore. It has been moved by Senator Jubelirer that the Senate adjourn until Tuesday, January 3, 1984, at 11:45 a.m., with the understanding the Senate will finally adjourn upon the completion and execution of documents this Senate will receive from the House of Representatives.

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

Senator ZEMPRELLI. Mr. President, I may not have understood what the adjournment motion was. Do I understand we are going to adjourn now until January 23rd?

The PRESIDENT pro tempore. We are going to adjourn now until January 3rd, except that this desk will remain open to receive items from the House of Representatives.

Senator ZEMPRELLI. Mr. President, that poses a problem on which I am going to request a ruling from the Chair. I am sure that, perhaps, in all of this deliberation, we have not considered the effect of the Executive Calendar in terms of nominations. I have some hesitancy about the question as to legislative days accumulating or moving in the direction towards twenty-five. If the motion continues and if the intent of the motion is to adjourn in the fashion that it is, we have no way to control the operation of the Executive Calendar. May we be at ease?

The PRESIDENT pro tempore. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT pro tempore. For purposes of amending the motion of adjournment, the Chair recognizes the Majority Leader.

Senator JUBELIRER. Mr. President, I move that the Senate do adjourn this day until Tuesday, January 3, 1984, at 11:45 a.m., upon the receipt and execution of bills and other documents by the Presiding Officer.

The PRESIDENT pro tempore. Senator Jubelirer moves that the Senate do adjourn this day until Tuesday, January 3, 1984, at 11:45 a.m., subject to the receipt and execution of documents.

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

Senator EARLY. Mr. President, would you please vote me in the negative?

The PRESIDENT pro tempore. The gentleman's comments will be spread upon the record.

And the question recurring,
Will the Senate agree to the motion?
The motion was agreed to.

RECESS

The PRESIDENT pro tempore. Until documents are received from the House of Representatives, the Senate is in recess.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 198**, with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 763** and **950**.

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 350, 500, 533, 1229, 1391** and **1454**.

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 14, 1983

HB 353 — Committee on Judiciary.

HB 615 — Committee on Environmental Resources and Energy.

HB 828 — Committee on State Government.

HB 1373 — Committee on Consumer Protection and Professional Licensure.

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

December 14, 1983

House Concurrent Resolution No. 166 — Committee on Rules and Executive Nominations.

BILLS SIGNED

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

SB 198, 763, 950, HB 350, 500, 533, 947, 1229, 1391 and 1454.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

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)

WEDNESDAY, JANUARY 4, 1984

1:30 P.M. CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to hear testimony regarding the statutory requirement for local telephone companies to provide only local and not long distance service to subscribers) Senate Majority Caucus Room

THURSDAY, JANUARY 5, 1984

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

TUESDAY, JANUARY 10, 1984

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

THURSDAY, JANUARY 19, 1984

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

ADJOURNMENT

The Senate adjourned at 11:59 p.m., Eastern Standard Time, to reconvene on Tuesday, January 3, 1984, at 11:45 a.m., unless sooner recalled by the President pro tempore.