

Legislative Journal

THURSDAY, JUNE 27, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 52

SENATE

THURSDAY, June 27, 1985.

The Senate met at 4:00 p.m., Eastern Daylight Saving Time.

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

PRAYER

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

Our Heavenly Father, to this Senate in whose hands rest the hearts and hopes of so many, by the might of Thy Holy Spirit, O God, lead them to the great way of mutual helpfulness and hasten the time when no evil deeds of men shall defile Thy glorious creation. Bless us all this day and evermore. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 26, 1985.

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 would ask for legislative leaves for today's Session for Senator Fisher and Senator Howard.

The PRESIDENT pro tempore. Senator Stauffer has requested legislative leaves of absence for Senator Fisher and Senator Howard. The Chair hears no objection. The leaves are granted.

Senator ZEMPRELLI. Mr. President, I request a legislative leave on behalf of Senator Andrezeski.

The PRESIDENT pro tempore. Senator Zemprelli has requested a legislative leave of absence for today's Session for Senator Andrezeski. The Chair hears no objection to that request and the leave is granted.

LEAVES OF ABSENCE

Senator STAUFFER asked and obtained leaves of absence for Senator O'CONNELL and Senator SALVATORE, for today's Session, for personal reasons.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 334** and **626**.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 652, 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 652**, and has appointed Messrs. MANDERINO, PIEVSKY 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 INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 653, 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 653**, and has appointed Messrs. MANDERINO, PIEVSKY 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 INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 150, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 150**, and has appointed Messrs. GALLAGHER, O'DONNELL and HAYES 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 NONCONCURRENCE
IN AMENDMENTS TO HB 1009, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1009**, and has appointed Messrs. MANDERINO, PIEVSKY 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 INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 1010, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1010**, and has appointed Messrs. MANDERINO, PIEVSKY 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.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 81**, with the information 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:

June 26, 1985

HB 324, 1362 and 1363 — Committee on Consumer Protection and Professional Licensure.

HB 403 — Committee on Public Health and Welfare.

HB 855 — Committee on Banking and Insurance.

HB 1353 — Committee on Appropriations.

**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:

June 26, 1985

Senators FUMO, WILLIAMS, LYNCH and HANKINS presented to the Chair **SB 1035**, entitled:

An Act making an appropriation to the Department of Labor and Industry for labor mediators.

Which was committed to the Committee on APPROPRIATIONS, June 26, 1985.

Senators ZEMPRELLI and MELLOW presented to the Chair **SB 1036**, entitled:

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), entitled "Board and Commission Compensation Law," further providing for a raise in salary for the members of the Public Utility Commission, the Liquor Control Board and the Turnpike Commission; and making repeals.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 26, 1985.

Senators MADIGAN, HESS, MELLOW, STAPLETON, PETERSON, LEWIS and SHAFFER presented to the Chair **SB 1037**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for admitted assets.

Which was committed to the Committee on BANKING AND INSURANCE, June 26, 1985.

Senators ROCKS, MELLOW, SALVATORE, HELFRICK, O'CONNELL, PECORA, REIBMAN, FISHER, ZEMPRELLI, MUSTO, SCANLON, LINCOLN, O'PAKE, HANKINS, EARLY, ROMANELLI, JUBELIRER and SINGEL presented to the Chair **SB 1038**, entitled:

An Act designating the Western Pennsylvania School for the Deaf, Allegheny County, the Pennsylvania School for the Deaf, Philadelphia County, and the Scranton State School for the Deaf, Lackawanna County, as regional resource centers for hearing impairment.

Which was committed to the Committee on STATE GOVERNMENT, June 26, 1985.

RESOLUTIONS INTRODUCED AND REFERRED

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

June 26, 1985

CREATING A SPECIAL TASK FORCE TO REVIEW JOB TRAINING AND OTHER VOCATIONAL RESOURCES AVAILABLE TO THE STRUCTURALLY UNEMPLOYED WITHIN THIS COMMONWEALTH

Senators JONES, FUMO, ROCKS, WILLIAMS, REIBMAN, SINGEL, PECORA, HANKINS, STOUT, LYNCH, O'PAKE and LINCOLN offered the following resolution (**Senate Resolution No. 67**), which was read and referred to the Committee on Labor and Industry:

In the Senate, June 26, 1985.

A RESOLUTION

Creating a special task force to review job training and other vocational resources available to the structurally unemployed within this Commonwealth.

WHEREAS, Act 75 of 1982 (P.L.231, No.75) was passed into law with the hope that able-bodied general assistance recipients under 45 years of age would successfully obtain employment; and

WHEREAS, Act 75 expanded the work registration program Statewide to assist all welfare recipients, but particularly the transitionally needy, to find employment; and

WHEREAS, Act 75 established certain special employment services for the transitionally needy to be provided by the Office of Employment Security; and

WHEREAS, Act 75 created employment incentive payments to encourage employers to hire welfare recipients and the legislative authority for these payments expire in December 1985; and

WHEREAS, Act 75 established authority for an Employment Opportunities Incentive Grant Program to provide training for the structurally unemployed and the authority for this program also expires in December 1985; and

WHEREAS, Act 75 mandated that transitionally needy persons be given priority in the Comprehensive Employment and Training Act of 1973 (Public Law 93-203, 29 U.S.C. § 801 et seq.) which was replaced with the Job Training Partnership Act (Public Law 97-300, 96 Stat. 1322); and

WHEREAS, A study conducted by the Department of Public Welfare, issued in July 1984, of persons terminated from assistance as a result of the law indicated that a significant number of individuals had not found stable employment at the time of the study; and

WHEREAS, Various sources of data indicate that a significant number of those classified as transitionally needy have not completed high school and have worked only in unskilled jobs and can be expected to face educational barriers to employment; and

WHEREAS, It is the desire of this body that State policy should enable those who are structurally unemployed to obtain the education and training they need to become successful participants in the labor market; therefore be it

RESOLVED, That a special task force of the Senate be convened to comprehensively review the job programs created or expanded by Act 75 as well as all other vocational education and job training resources available in this Commonwealth to ascertain whether those most in need have access to training, whether these programs meet the multiple needs of the structurally unemployed, whether modifications in these programs may be needed and whether additional resources for job training are needed to assist the transitionally needy welfare recipient; and be it further

RESOLVED, That the special task force consist of members of the Senate Committees on Public Health and Welfare, Labor and Industry, Education, and Community and Economic Development; and be it further

RESOLVED, That the special task force on job training report its findings to the Senate on or before November 30, 1985.

URGING THE GOVERNOR TO RECONSIDER CERTAIN ACTION IN RELATION TO A STATE VETERANS' HOME

Senator LEWIS offered the following resolution (**Senate Resolution No. 68**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 26, 1985.

A RESOLUTION

Urging the Governor to reconsider certain action in relation to a State veterans' home.

WHEREAS, Act 175 of 1975 proposed the use of vacant land on the grounds of Philadelphia State Hospital at Byberry for veterans' use; and

WHEREAS, Certain vacant land still exists today which could be used for either a veterans' hospital or for a veterans' retirement home; and

WHEREAS, Ongoing government efforts have led to the proposal for a State veterans' home in southeastern Pennsylvania by the end of this decade; and

WHEREAS, A special State site selection advisory committee was established in 1983 to recommend sites in southeastern Pennsylvania for a third State veterans' home; and

WHEREAS, The advisory committee narrowed the number of potential sites from 24 to 5; and

WHEREAS, The final decision on the location of the home rests with the Governor of Pennsylvania; and

WHEREAS, The Governor said he favored action which would involve the renovation of certain existing facilities at the Pennhurst Center in Chester County, versus construction of a totally new facility at the Byberry site; and

WHEREAS, Many sound arguments have been raised in support of the Byberry site, including the large population base in Bucks, Montgomery and Philadelphia counties which may have had easier access to the Byberry location; and

WHEREAS, Mass transit service may be more adequate to the Byberry than to the Pennhurst site; and

WHEREAS, Other comparative advantages between the two proposed sites for the veterans' home cancel themselves out, including these: both are located on State land; both have space for additional development; and both have an excellent labor force for the efforts to make the home operational and to fill the required jobs which will be created in a new State veterans' home; and

WHEREAS, Pennsylvania is fortunate that a third State veterans' home will soon become a reality; and

WHEREAS, A need exists to expedite this process because the number of veterans 65 years old and older in Pennsylvania will triple in the next two decades, and many of them will be residents of Philadelphia and surrounding communities; therefore be it

RESOLVED, That the Senate urge the Governor to reconsider action he has taken involving the selection of a site in southeastern Pennsylvania for a State veterans' home; and be it further

RESOLVED, That the Senate endorse the site at the Philadelphia State Hospital at Byberry for the home; and be it further

RESOLVED, That the Senate urge the Governor to choose the Byberry site for the establishment of a State veterans' home in southeastern Pennsylvania; and be it further

RESOLVED, That a copy of this resolution be immediately transmitted to the Governor.

**ONE HUNDRED FIFTEENTH ANNUAL REPORT
BOARD OF DIRECTORS OF CITY TRUSTS
OF THE CITY OF PHILADELPHIA**

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

**CITY OF PHILADELPHIA, TRUSTEE
BOARD OF DIRECTORS OF CITY TRUSTS**

June 25, 1985

Chief Clerk of the Senate
Main Capitol Building
Harrisburg, PA 17120

Dear Sir:

In compliance with Section 4 of the Act of June 30, 1869 P.L. 1276, I am pleased to enclose the One Hundred Fifteenth Annual Report of the City of Philadelphia, Trustee, acting by the Board of Directors of City Trusts.

Sincerely yours,
RUTH J. ARMOUR
Secretary

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

BILLS SIGNED

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

HB 334, 626 and 724.

CALENDAR

SPECIAL ORDER OF BUSINESS

**SENATE RESOLUTION NO. 63,
CALLED UP OUT OF ORDER**

Senator STAUFFER, without objection, called up out of order, from page 19 of the Calendar, as a Special Order of Business, **Senate Resolution No. 63**, entitled:

A Resolution designating August as "Polish Heritage Month."

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 63, ADOPTED

Senator STAUFFER. Mr. President, I move that the Senate do adopt Senate Resolution No. 63.

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

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

YEAS—47

Andrezeski	Hess	Madigan	Scanlon
Armstrong	Holl	Mellow	Shaffer
Bell	Hopper	Moore	Shumaker
Bodack	Howard	Musto	Singel
Brightbill	Jones	O'Pake	Stapleton
Corman	Jubelirer	Pecora	Stauffer

Early	Kelley	Peterson	Stout
Fisher	Kratzer	Reibman	Tilghman
Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Wilt
Hankins	Loeper	Romanelli	Zemprelli
Helfrick	Lynch	Ross	

NAYS—0

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

RECESS

Senator STAUFFER. Mr. President, I request a recess of the Senate until 5:30 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 5:30 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I request a legislative leave for Senator O'Pake and a temporary Capitol leave for Senator Fumo.

The PRESIDENT pro tempore. Senator Stapleton requests a legislative leave for Senator O'Pake and a temporary Capitol leave for Senator Fumo. The Chair hears no objection and those leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 183 (Pr. No. 1205) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for facilities for appellate judges; and extending the limitation periods in criminal cases where the victim is a child.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 183.

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—47

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

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.

HB 1251 CALLED UP OUT OF ORDER

HB 1251 (Pr. No. 1492) — Without objection, the bill was called up out of order, from page 12 of the Second Consideration Calendar, by Senator STAUFFER.

NONPREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION AND RECOMMITTED

HB 1251 (Pr. No. 1492) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

SECOND CONSIDERATION CALENDAR RESUMED**NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION AND RECOMMITTED**

HB 1252 (Pr. No. 1493) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), known as the "University of Pittsburgh—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1253 (Pr. No. 1494) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), known as the "Temple University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing for a method of accounting for the funds appropriated.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1254 (Pr. No. 1495) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1255 (Pr. No. 1655) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1256 (Pr. No. 1497) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann Medical College and Hospital, Philadelphia, Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1257 (Pr. No. 1498) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia, Pennsylvania.

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

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

HB 1258 (Pr. No. 1656) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

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

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

HB 1259 (Pr. No. 1500) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

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

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

HB 1260 (Pr. No. 1501) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia, Pennsylvania.

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

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

HB 1261 (Pr. No. 1657) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

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

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

HB 1262 (Pr. No. 1658) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1263 (Pr. No. 1659) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Textiles and Science.

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

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

HB 1264 (Pr. No. 1505) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

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

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

HB 1265 (Pr. No. 1506) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

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

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

HB 1266 (Pr. No. 1507) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

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

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

HB 1267 (Pr. No. 1508) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

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

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

HB 1268 (Pr. No. 1660) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1269 (Pr. No. 1510) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1270 (Pr. No. 1661) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1271 (Pr. No. 1512) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1272 (Pr. No. 1662) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1273 (Pr. No. 1514) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Wistar Institute-Research, Philadelphia.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1274 (Pr. No. 1515) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1275 (Pr. No. 1516) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1276 (Pr. No. 1517) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to St. Christopher's Hospital, Philadelphia, Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1277 (Pr. No. 1518) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1278 (Pr. No. 1519) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

HB 1279 (Pr. No. 1520) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

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

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

HB 1280 (Pr. No. 1663) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

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

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

HB 1281 (Pr. No. 1522) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

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

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

HB 1282 (Pr. No. 1523) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

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

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

HB 1283 (Pr. No. 1524) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

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

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

HB 1284 (Pr. No. 1525) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences.

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

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

HB 1285 (Pr. No. 1526) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the Buhl Science Center.

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

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

HB 1286 (Pr. No. 1527) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

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

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

HB 1287 (Pr. No. 1528) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

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

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

HB 1288 (Pr. No. 1664) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

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

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

HB 1289 (Pr. No. 1530) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to Thomas Jefferson University of Philadelphia, Pennsylvania, for the Children's Heart Hospital, Philadelphia, Pennsylvania.

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

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

HB 1290 (Pr. No. 1531) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

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

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

HB 1291 (Pr. No. 1532) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

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

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

HB 1292 (Pr. No. 1533) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the Western Psychiatric Institute and Clinic.

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

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

HB 1293 (Pr. No. 1665) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 171 (Pr. No. 625) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," increasing eligibility under the property tax or rent rebate and inflation dividend; and further providing for the allowable percentage of real property tax or rent rebate.

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

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

SB 237 CALLED UP OUT OF ORDER

SB 237 (Pr. No. 1106) — Without objection, the bill was called up out of order, from page 1 of the Calendar, by Senator STAUFFER.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 237 (Pr. No. 1106) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for powers and duties as to dependents; and providing for the authority to sell certain real property and personal property as a single unit.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 237.

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—47

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

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 for accordingly.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS OVER IN ORDER

SB 659, HB 1011, 1012, 1025 and 1294 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

HB 94 CALLED UP OUT OF ORDER

HB 94 (Pr. No. 1890) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 94 (Pr. No. 1890) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the definition of "emergency vehicle"; further providing for registration exemptions; placing limitations on the use of speed timing devices; increasing the maximum charge for emission inspections; and further providing for single permits for multiple highway crossings.

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

On the question,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, as is always the problem at this time of year, in the haste of trying to recess for the summer we sometimes find at a later time there is important legislation before us we voted upon that may have escaped our recollection as to what it is all about. My only purpose in addressing this issue at this time is to advise at least the Members of my caucus, and I am sure the rest of the Members of the Senate, that what we are talking about in this bill is increasing the admissions charge from \$5.00 to \$8.00. I have no comment as to whether or not that is advisable. I probably will be voting for it, but I think we should at least be cautious of the fact that that, in fact, is part of what the substance of this bill is.

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

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

Senator ZEMPRELLI, Mr. President, I would request that we have a slow roll call on House Bill No. 94.

And the question recurring,
Shall the bill pass finally?

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

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

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—43

Andrezeski	Helfrick	Madigan	Shaffer
Armstrong	Hess	Mellow	Shumaker
Bell	Holl	Moore	Singel
Bodack	Hopper	Musto	Stapleton
Brightbill	Howard	O'Pake	Stauffer
Corman	Jones	Peterson	Stout
Early	Jubelirer	Rhoades	Tilghman
Fisher	Lewis	Rocks	Wenger
Fumo	Lincoln	Romanelli	Wilt
Greenleaf	Loeper	Ross	Zemprelli
Hankins	Lynch	Scanlon	

NAYS—4

Kelley	Kratzer	Pecora	Reibman
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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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Fumo and his temporary Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

SB 155 CALLED UP OUT OF ORDER

SB 155 (Pr. No. 1142) — Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

SB 155 (Pr. No. 1142) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring school buses to use flashing lights when carrying children to summer camps.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 3, by removing the period after "camps" and inserting: or vacation bible schools.

Amend Sec. 1 (Sec. 3345), page 1, line 14, by inserting after "camps": or vacation bible schools

Amend Sec. 1 (Sec. 3345), page 2, line 5, by inserting after "camps": or vacation bible schools

Amend Sec. 1 (Sec. 3345), page 2, line 14, by inserting after "CAMPS": or vacation bible schools

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. Mr. President, the amendment that is being presented by the gentleman was not presented to us in time to caucus. Therefore, I would ask the gentleman to advise the Members of the Senate as to what his amendment does. We believe, at least those who have had an opportunity to review it, that we understand what it does.

Senator ARMSTRONG. Mr. President, for school buses in the summer, the bill of the gentleman from Montgomery, Senator Greenleaf, would let buses that are taking kids to camps use the flashing lights. What I would like to do in amending it is also to include vacation bible schools when children are using those school buses. I would like them to be able to use the flashing lights also for vacation bible school so they do not get hit. As it stands now, one of my constituents called me and said they cannot use the flashing lights. These are young children and they think it is like a regular school bus. It is not, because they cannot use the flashing lights.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 155 will go over, as amended.

HB 285 CALLED UP OUT OF ORDER

HB 285 (Pr. No. 1826) — Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

HB 285 (Pr. No. 1826) — The Senate proceeded to consideration of the bill, entitled:

An Act creating a special fund in the Treasury Department for the use in attracting major industry into this Commonwealth; establishing a procedure for the appropriation and use of moneys in the fund.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2, page 2, line 30, by striking out "has" and inserting: have

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, since we did not have the benefit of having the amendment in our caucus, can the gentleman kindly explain the amendment to us?

Senator STAUFFER. Mr. President, the amendment just offered is a technical amendment, purely technical. There is a substantive amendment that I will offer in a moment. This amendment is a technical one.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

Amend Title, page 1, line 2, by striking out "AND"

Amend Title, page 1, line 4, by removing the period after "appropriation" and inserting:

; establishing the Tax Stabilization Reserve Fund; and providing for expenditures from such account.

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Section 203. Creation of Tax Stabilization Reserve Fund.

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Chapter 3. Repeals and Effective Date

Section 301. Repeals.

Section 302. Effective date.

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

CHAPTER 1

SUNNY DAY FUND

Amend Sec. 1, page 2, line 3, by striking out "1" and inserting: 101

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

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting: 102

Amend Sec. 3, page 3, line 10, by striking out "3" and inserting: 103

Amend Sec. 3, page 3, line 11, by striking out "act" and inserting: chapter

Amend Sec. 3, page 3, line 14, by striking out "act" and inserting: chapter

Amend Sec. 3, page 3, line 27, by striking out "4" and inserting: 104

Amend Bill, page 4, by inserting between lines 25 and 26:

CHAPTER 2

TAX STABILIZATION RESERVE FUND

Section 201. Short title.

This chapter shall be known and may be cited as the Tax Stabilization Reserve Fund Act.

Section 202. Legislative findings and conclusions.

(a) Findings.—The General Assembly of the Commonwealth hereby finds that:

(1) Economic uncertainty arising from national and international events over which the Commonwealth cannot exercise control impairs the ability of the Commonwealth to accurately predict its anticipated revenues and expenditures.

(2) Overestimates of revenues and underestimates of expenditures can create serious short-term deficits which generate the need for deficiency appropriations and tax increases.

(3) Financing short-term deficits created by economic uncertainty in the past has led to excessive tax increases and erratic changes in tax rates and policies which impaired the attractiveness of this Commonwealth as a location for job creation and business expansion.

(4) Recurring deficits occurring during economic downturns can damage the creditworthiness of the Commonwealth and increase the cost of borrowing for essential capital projects.

(5) The need to cope with problems arising from the effect of economic uncertainty has often caused lengthy delays in adopting a budget for the Commonwealth, caused cutoffs of vital public programs and endangered the stability and reliability of vital public services and programs.

(b) Conclusions.—Therefore, the General Assembly concludes that it is a valid and proper public function to set aside a portion of Commonwealth revenues into a Tax Stabilization Reserve Fund in order to minimize future revenue shortfalls and deficits, provide greater continuity and predictability in the funding of vital government services and minimize the need to increase taxes to balance the budget of the Commonwealth during periods of economic distress.

Section 203. Creation of Tax Stabilization Reserve Fund.

There is hereby established a special fund to be known as the Tax Stabilization Reserve Fund.

Section 204. Funding.

(a) Appropriated funds.—The General Assembly may at any time provide additional amounts from any funds available to this Commonwealth as an appropriation to the Tax Stabilization Reserve Fund.

(b) Intent.—It is hereby declared as the intent and goal of the General Assembly to create a stabilization reserve in an eventual amount not to exceed 3% of the estimated revenues of the General Fund of the Commonwealth.

Section 205. Disposition of funds.

(a) Appropriation.—Whenever the Governor determines that moneys from this fund are necessary to meet emergencies involving the health, safety or welfare of the citizens of this Commonwealth, or to counterbalance downturns of the economy which result in significant unanticipated revenue shortfalls, he shall present a request for an appropriation along with the specifics of the proposal and such suggested ancillary and substantive legislation as may be necessary to the chairmen of the Senate and House Appropriations Committees. The General Assembly may then through approval of a separate appropriation bill by a vote of two-thirds of the members elected to the Senate and the House of Representatives appropriate money from the fund to meet the needs identified in the Governor's proposal. Any money appropriated according to this section which has then lapsed shall be returned to the fund.

(b) Purpose.—It is the intent of the General Assembly that these funds be appropriated only when the emergency or downturn in the economy cannot be dealt with through the normal budget process and that the moneys in the Tax Stabilization Reserve Fund not be used to begin new programs but provide for the continuation of vital public programs in danger of being cut off due to financial problems resulting from the economy.

CHAPTER 3

REPEALS AND EFFECTIVE DATE

Section 301. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Amend Sec. 5, page 4, line 26, by striking out "5" and inserting: 302

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, the substance of this amendment is to amend into House Bill No. 285, which is a bill creating the so-called Sunny Day Fund, the Rainy Day Fund that appears on the Calendar in another piece of legislation as a Senate bill. The reason we are combining the two funds, the Rainy and Sunny Day Funds, into one bill is in order to provide the opportunity to meet our time schedule of completing our work by tomorrow.

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

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

Senator STAUFFER. I will, Mr. President.

Senator MELLOW. Mr. President, very briefly, for the point of clarification, can the gentleman indicate to us, is he inserting the Sunny Day amendment into the Rainy Day Fund or the Sunny Day Fund into the Rainy Day Fund? What is he doing?

Senator STAUFFER. Mr. President, I am putting the Rainy Day Fund into the bill which is currently the Sunny Day Fund. The two funds will be together. When we are finished it will be the "All-Weather Fund."

The PRESIDENT pro tempore. At least there will be a lot of clouds.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 285 will go over, as amended.

SB 927 CALLED UP OUT OF ORDER

SB 927 (Pr. No. 1140) — Without objection, the bill was called up out of order, from page 9 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

SB 927 (Pr. No. 1140) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," providing for apparel industry loans; and making an appropriation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2 (Sec. 5), page 7, line 26, by inserting before "All": (4)

Amend Sec. 2 (Sec. 5), page 7, line 28, by inserting after "final.":

In reaching his decision, the secretary, in addition to the requirements set forth above, shall make his decision on the basis of criteria, including, but not limited to:

(i) the long-term employment potential resulting from the investment, including projected jobs retained and created over a five-year period;

(ii) the competitive market demand for products using such investments;

(iii) the anticipated increase in Pennsylvania's share of domestic and international markets captured from out-of-state foreign competitors due to such investments; and

(iv) the utilization by the taxpayer of new and advanced technologies in such investments which are likely to permanently enhance the taxpayer's competitive position within its industry or business.

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

Amend Sec. 2 (Sec. 5), page 8, line 18, by striking out "(5)" and inserting: (6)

Amend Sec. 2 (Sec. 5), page 9, line 8, by striking out "(6)" and inserting: (7)

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Once again, Mr. President, since we did not have the opportunity of seeing the amendment in caucus, we would appreciate if the sponsor of the amendment, whether it be this amendment or any future amendment, explain the amendment to us.

Senator STAUFFER. Mr. President, as the gentleman knows, the bill before us is a bill providing aid to the apparel industry through the Capital Loan Fund Act. This amendment provides for the same type of criteria that the Secretary

would use in reaching his decision regarding the approval of loans from that fund to the apparel industry as presently exists in the Ben Franklin Partnership Act, identical criteria that are being recommended.

Senator SINGEL. Mr. President, just a further interrogation if the gentleman from Chester, Senator Stauffer, would.

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

Senator STAUFFER. I will, Mr. President.

Senator SINGEL. Reading the analysis of the amendment, Mr. President, is this amendment not going to make it more difficult for the apparel industry to receive funds under this capital loan program?

Senator STAUFFER. No, it would not, Mr. President, because this is merely a recommended criteria that is being suggested to be used in reviewing those applications. The final decision will be made on the merits of each of the applications in either event.

Senator SINGEL. Mr. President, I note in the actual language of the amendment, however, that it says the Secretary shall make his decision on the basis of the following criteria.

Senator STAUFFER. Mr. President, "including, but not limited to," read the full phrase.

Senator SINGEL. Mr. President, "including, but not limited to?" Then, Mr. President, is the gentleman telling me that he can ignore the four criteria and look at other criteria?

Senator STAUFFER. Yes, Mr. President. If I may, the entire idea, of course, is to try and suggest that a careful scrutiny be made so that the benefit of these loans be accrued to the greatest good for the Commonwealth.

Senator SINGEL. Mr. President, I understand that and I join the gentleman in that goal, but I must point out that it seems to me the language of the amendment is restrictive in the sense that it imposes four criteria that the Secretary shall apply and then any other things might be taken into consideration after the fact. I think what we may be doing here is imposing unnecessary limitations on funds to the apparel industry. I know that is not what the gentleman wants to do.

Senator STAUFFER. Mr. President, I would point out that there very well may be a competition among applications for these loans, and this is to assist in the process of sorting through those applications to approve those within the limits of the funding available which will have the most desirable effect.

Senator SINGEL. Mr. President, I am willing to accept the gentleman's explanation, and I support the amendment on the good faith that the intent of it is not to hamstring the apparel industry in any way, but simply to inject some guidelines for the most efficient and best use of the funds. I am a little concerned about the language, but I accept the gentleman's explanation.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 927 will go over, as amended.

SB 332 CALLED UP OUT OF ORDER

SB 332 (Pr. No. 1262) — Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 332 (Pr. No. 1262) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for indemnification of the cost of legal defense to health care providers for health care reporting requirements.

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—47

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

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 RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 336 (Pr. No. 1891) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for appointments to the Energy Development Authority; and providing for the transfer of Connellsville State General Hospital.

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—47

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 348 (Pr. No. 1258) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation and regulation of multipurpose agricultural vehicles; providing for the registration and regulation of certain all-terrain vehicles; and imposing powers and duties on the Department of Environmental Resources.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator STAUFFER. Mr. President, I move that House Bill No. 348 go over in its order.

The PRESIDENT pro tempore. Senator Stauffer moves that House Bill No. 348 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator EARLY. Mr. President, I will do as my good friend, the gentleman from Mercer, Senator Wilt, said, I will wait my turn. I rise to offer the following amendment.

The PRESIDENT pro tempore. There is a motion to go over the bill and your motion would not be in order.

Senator EARLY. Mr. President, I just wanted to get in the reason for me not wanting to go over it. I want to offer an amendment. I object to it going over and I ask for a roll call vote.

And the question recurring,

Will the Senate agree to the motion?

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

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

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

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

YEAS—24

Armstrong	Hess	Loeper	Shaffer
Bell	Holl	Madigan	Shumaker
Brightbill	Hopper	Moore	Stauffer
Corman	Howard	Pecora	Tilghman
Fisher	Jubelirer	Peterson	Wenger
Greenleaf	Kratzer	Rhoades	Wilt

NAYS—23

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

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

The PRESIDENT pro tempore. House Bill No. 348 will go over in its order.

BILL ON THIRD CONSIDERATION AMENDED

SB 383 (Pr. No. 1094) — 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 licenses for certain performing arts facilities.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 18, by removing the period after "facilities" and inserting: ; and adding special provisions for hotel liquor licenses.

Amend Bill, page 2, line 26, by striking out all of said line and inserting:

Section 2. The act is amended by adding a section to read:

Section 470.2. Exchange of Hotel Liquor License; Special Provisions.—In any case where the board finds that the holder of a hotel liquor license cannot comply with the provisions of section 461(c) because during 1985 the premises for which said license was issued was destroyed or substantially damaged by a natural disaster, the board shall, notwithstanding the quota provisions of this act, upon receipt of an application for a restaurant liquor license together with appropriate fees and bond, receive the hotel liquor license and issue in exchange for said license a restaurant liquor license.

Section 3. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. (a) Section 1 of this act shall take effect in 60 days.

(b) The remaining provisions of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator WILT. Mr. President, there were two hotel licenses in buildings that were annihilated in the tornadoes, and what this amendment does is permit the hotels to be relicensed by virtue of the Liquor Control Board's decision from hotel licenses to restaurant licenses when they rebuild. That lets them go outside the formula or their quota system.

Senator KELLEY. Mr. President, would the gentleman from Mercer, Senator Wilt, yield to interrogation?

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

Senator WILT. I will, Mr. President.

Senator KELLEY. Mr. President, as I look at the amendment it indicates that in the case where the board finds—referring to the liquor board—that the holder of a hotel liquor license cannot comply with provisions of 461(c) because of the 1985 natural disaster—referring to the tornadoes—that the license can be changed to a restaurant license, is that correct and is that the basic aspect?

Senator WILT. Yes, Mr. President.

Senator KELLEY. Mr. President, let us assume that aside from those hotel licenses that would be adversely affected by the natural disaster of a tornado, a hotel license in any other part of this Commonwealth that was struck by lightning but not part of a declared disaster, is that hotel permitted under the current law, or would that hotel be affected by this amendment as being able to be transferred by the board to a restaurant license?

Senator WILT. Mr. President, the answer to that is no, and the reason it is worded the way it is, is that the board would know what areas were designated by the President as a disaster area and would preclude the board from making the decisions or being forced to even make the decisions for incidents outside of the declared disaster area. Of course, the board would make the decision in any event, but that is the reason it would be a factor in the board's decision.

Senator KELLEY. Mr. President, can the gentleman explain on what basis he believes the board should have discretion in a storm disaster like the tornadoes, but the board not have the discretion in an accidental or natural disaster, like being struck by lightning in some other part of the Commonwealth, although it was not part of a declared disaster storm? Could the gentleman explain why he believes the board should have the discretion in one case and not in another based upon the fact that the hotel licensee is still affected by an act of God and an act of nature?

Senator WILT. Mr. President, what has happened in this particular community is the area that was proclaimed the disaster area and was directly in the path of the tornado virtually annihilated every building there. Also, the one particular licensee was partially destroyed and maybe at the outset could not be considered a total loss, with the dynamic that comes into play for my particular set of circumstances where the hotels were located geographically, their plots, through a change in the zoning back in 1955, is now industrial zoning, and the borough has chosen to exercise their right not to

permit any kind of commercial or residential building back in this area now that they want to convert it and make the area into an industrial park. I think it gives it uniqueness different from the other circumstances which the gentleman expressed, other acts of God, as it were, so I think it lends itself to uniqueness worth deserving special consideration.

Senator KELLEY. I thank the gentleman, Mr. President.

I considered the explanation given by the gentleman, and my problem is, I do not believe the amendment warrants support based on the fact it is so exclusive in taking care of the people in the Commonwealth who would be so equally affected adversely by an act of God. I think if we are going to be aware of people who would be so affected by the investment of being a hotel licensee, regardless of whether or not it is part of a declared disaster area, they can be just as adversely affected as a licensee in a single act of God. I would say if the amendment would be so drafted and the Code would be so amended by amendment or a bill that would take care of all instances of such hotel licensees. It would also recognize whether or not they had gotten insurance because, as this amendment would permit, someone who was covered by insurance could reap the insurance benefits and still be automatically vested then with a resalable restaurant license that could be transferred anywhere in the municipality where it is located. What we are doing here is really giving somebody a double support which they are not entitled to, in my opinion.

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, prior to taking the roll, I would request temporary Capitol leaves for Senator Scanlon and Senator Ross.

The PRESIDENT pro tempore. Senator Zempirelli requests temporary Capitol leaves for Senator Scanlon and Senator Ross. The Chair hears no objection and the leaves will be granted.

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

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

YEAS—46

Andrezeski	Hess	Mellow	Scanlon
Armstrong	Holl	Moore	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Howard	O'Pake	Singel
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Wilt
Hankins	Lynch	Ross	Zempirelli
Helfrick	Madigan		

NAYS—1

Kelley

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

On the question,

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

AMENDMENT OFFERED

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

Amend Bill, page 1, line 18, by removing the period after "facilities" and inserting:

; providing for the licensing of privately owned retail liquor stores and wholesale distributors; establishing a Commission of Licensure, Sales and Divestiture; granting certain authority to the Department of General Services; establishing penalties; and making an appropriation.

Intention of Legislature. With respect to section 19 it is the purpose of this amendatory act to promote a free market system in the economy of this Commonwealth by eliminating all State proprietary interest in the marketing of liquor products. This divestiture of the Pennsylvania Liquor Store system shall be in an orderly and economically nondisruptive manner and is designed to:

- (1) lower prices to the consumer;
- (2) provide a wide variety of liquor products to the consumer;
- (3) maintain the employment of current Pennsylvania Liquor Store employes;
- (4) maintain an adequate flow of revenue to the Commonwealth from the taxation of the sale of liquor products; and
- (5) create new jobs in the private economic sector of this Commonwealth so as to reduce unemployment.

Amend Bill, page 1, lines 21 through 25; page 2, lines 1 through 26, by striking out all of said lines on said pages and inserting:

Section 1. Section 207(a), (b) and (c) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended June 17, 1971 (P.L.180, No.22) and July 27, 1973 (P.L.247, No.70), are amended to read:

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

[(a) To buy, import or have in its possession for sale, and sell liquor and alcohol in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the State Treasurer, or his designated deputy.]

(b) To control the manufacture, possession, sale, consumption, importation, use, storage, transportation and delivery of liquor, alcohol and malt or brewed beverages in accordance with the provisions of this act., and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores: Provided, That in fixing the sale prices, the board shall not give any preference or make any discrimination as to classes, brands or otherwise, except to the extent and for the length of time necessary to sell such classes or brands in compliance with any Federal action freezing or otherwise controlling the price of said classes or brands, or except where special sales are deemed necessary to move unsaleable merchandise, or except where the addition of a service or handling charge to the fixed sales price of any merchandise in the same comparable price bracket, regardless of class, brand or otherwise, is, in the opinion of the board, required for the efficient operation of the State store system.] The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors, other than wine, selling such liquors to [the board,] a wholesale licensee, which are not manufactured in this Commonwealth, to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer. Each such manufacturer

shall pay for such permit a fee which, in the case of a manufacturer of this Commonwealth, shall be equal to that required to be paid, if any, by a manufacturer or wholesaler of the state, territory or country of origin of the liquors, for selling liquors manufactured in Pennsylvania, and in the case of a nonresident manufacturer, shall be equal to that required to be paid, if any, in such state, territory or country by Pennsylvania manufacturers doing business in such state, territory or country. In the event that any such manufacturer shall, in the opinion of the board, sell or attempt to sell liquors [to the board] in the Commonwealth through another person for the purpose of evading this provision relating to permits, the board shall require such person[, before purchasing liquors from him or it,] to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the [State Stores Fund. The board shall not purchase any alcohol or liquor fermented, distilled, rectified, compounded or bottled in any state, territory or country, the laws of which result in prohibiting the importation therein of alcohol or liquor, fermented, distilled, rectified, compounded or bottled in Pennsylvania] Liquor License Fund.

(c) To determine the municipalities within which [Pennsylvania Liquor Stores] wholesale and retail stores shall be established and the locations of the stores within such municipalities. Such location shall be the actual store where sales are made and from which deliveries are made.

* * *

Section 2. Section 208 of the act, amended July 22, 1970 (P.L.539, No.182) and October 11, 1972 (P.L.906, No.215), is amended to read:

Section 208. Specific Subjects on Which Board May Adopt Regulations.—Subject to the provisions of this act and without limiting the general power conferred by the preceding section, the board may make regulations regarding:

[(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold, and the books and records to be kept therein.]

(b) The duties and conduct of the officers and employes of the board.

[(c) The purchase, as provided in this act, of liquor and alcohol, and its supply to Pennsylvania Liquor Stores.

(d) The classes, varieties and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores. In making this determination the board shall meet not less than twice a year.

(e) The issuing and distribution of price lists for the various classes, varieties or brands of liquor and alcohol kept for sale by the board under this act.]

(f) The labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first, one thousand nine hundred thirty-four.

(g) Forms to be used for the purposes of this act.

(h) The issuance of licenses and permits and the conduct, management, sanitation and equipment of places licensed or included in permits.

[(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue.

(j) The solicitation by resident or nonresident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and, in the case of nonresident vendors, the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses.]

Section 3. Section 210(b) of the act is amended to read:

Section 210. Restrictions on Members of the Board and Employes of Commonwealth.—* * *

(b) No member or employe of the board nor any employe of the Commonwealth shall solicit or receive, directly or indirectly,

any commission, remuneration or gift whatsoever, from any person having sold, selling or offering liquor or alcohol for sale [to the board for use in Pennsylvania Liquor Stores] in the Commonwealth.

Section 4. The act is amended by adding a section to read:

Section 211. Certain Officers and Employees Subject to Civil Service Act.—Officers and employees of the board, except as herein otherwise provided, shall be appointed and employed subject to the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act."

Section 5. Sections 301, 302, 303, 304, 305 and 306 of the act are repealed.

Section 6. The act is amended by adding an article to read:

ARTICLE III-A.

WHOLESALE AND RETAIL LIQUOR LICENSES.

Section 301-A. Wholesale Liquor License.—Any person may apply to the board for a license to sell liquor at wholesale. Such application shall be in writing and verified and shall contain such information as the board shall require. Such application shall be accompanied by a certified check, bank check, or draft or money order for the amount required by this act for such license. If the board shall grant the application, it shall issue a license in such form as shall be determined by regulations promulgated by the board. Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person therein specifically designated to sell liquors at wholesale in the premises therein specifically licensed to duly licensed wholesalers, retailers and permittees in the Commonwealth and to sell liquor in bulk to a licensed rectifier or to a permittee in the manufacture of products which are unfit for beverage use for use in the manufacture of products produced and sold by such rectifier or permittee and to sell or deliver liquor to persons outside this Commonwealth pursuant to the laws of the place of such sale or delivery. Such a license shall also include the privilege to sell wine at wholesale under the same terms and conditions without the payment of any additional fee. The number of licenses issued under this section shall be as determined by the board.

Section 302-A. Retail Liquor License.—(a) Any person may make an application to the board for a license to sell liquor at retail not to be consumed upon the premises where sold. Such application shall be in such form and shall contain such information as shall be required by the regulations of the board and shall be accompanied by a certified check, bank check or draft or money order in the amount required by this article for such license.

(b) Such license shall contain a description of the licensed premises and in form and in substance shall be a license to the person specifically designated therein to sell liquor at retail in the premises specifically licensed, not to be consumed upon said premises.

(c) Such license shall in form and in substance be a license to the person specifically designated therein to sell liquor in the premises specifically licensed at retail for off-premises consumption and shall also include the privilege to sell wine under the same terms and conditions without the payment of any additional fee.

(d) No licensee under this section shall be engaged in any other business on the licensed premises.

(e) Not more than one license shall be granted to any person, partnership, corporation, association or other legal entity under this article, nor shall any person have a pecuniary interest, direct or indirect, in more than one license issued under this article.

(f) Determinations under this section with respect to the issuance of a new license or under section 403 with respect to the transfer to any other premises of a license issued hereunder shall be made in accordance with public convenience and advantage.

(g) Liquors and alcohol, including wine, may be purchased by licensees under this section only from a wholesaler licensed under section 301-A.

(h) No new retail liquor licenses shall be issued under this section until thirty-six months after the effective date of the act of (P.L. , No.), known as the "Licensure Sales and Divestiture Act," at which time the board shall accept applications for seven hundred fifty new retail licenses and shall grant and issue said licenses in accordance with the provisions of this article. Thereafter, the board shall issue additional licenses from time to time as in the discretion of the board will serve to accomplish the purposes of this article.

Section 7. Section 401(a) of the act is amended to read:

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs.—(a) Subject to the provisions of this act and regulations promulgated under this act, the board shall have authority to issue a [retail liquor] license for any premises kept or operated by a hotel, restaurant or club and specified in the license entitling the hotel, restaurant or club to purchase liquor from a [Pennsylvania Liquor Store] retail licensee and to keep on the premises such liquor and, subject to the provisions of this act and the regulations made thereunder, to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel, restaurant or club premises. Such licensees, other than clubs, shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred forty-four fluid ounces in a single sale to one person. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses and club liquor licenses, respectively. No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any political subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license, nor shall such a person have any interest, directly or indirectly, in any such license.

Section 8. Section 403(a) of the act, amended September 28, 1961 (P.L.1728, No.702), is amended to read:

Section 403. Applications for Hotel, Restaurant and Club Liquor Licenses.—(a) Every applicant for a wholesale license, retail license, hotel liquor license, restaurant liquor license or club liquor license or for the transfer of an existing license to another premises not then licensed shall file a written application with the board in such form and containing such information as the board shall from time to time prescribe, which shall be accompanied by a filing fee [of twenty dollars (\$20)], the prescribed license fee, and the bond hereinafter specified. Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the board. The descriptions, information and plans referred to in this subsection shall show the [hotel, restaurant, club,] building or the proposed location for the construction of a [hotel, restaurant or club,] new building at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made to any [hotel, restaurant or club,] building, nor shall any new building for any such purpose, be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board. After approval of the application, the licensee shall make the physical alterations, improvements and changes to the licensed premises, or shall construct the new building in the manner specified by the board at the time of approval, and the

licensee shall not transact any business under the license until the board has approved the completed physical alterations, improvements and changes to the licensed premises, or the completed construction of the new building as conforming to the specifications required by the board at the time of issuance or transfer of the license, and is satisfied that the establishment is a restaurant, hotel or club as defined by this act. The board may require that all such alterations or construction or conformity to definition be completed within six months from the time of issuance or transfer of the license. Failure to comply with these requirements shall be considered cause for revocation of the license. No such license shall be transferable between the time of issuance or transfer of the license and the approval of the completed alterations or construction by the board and full compliance by the licensee with the requirements of this act, except in the case of death of the licensee prior to full compliance with all of the aforementioned requirements, in which event, the license may be transferred by the board as provided in section 468 of this act for the transfer of the license in the case of death of the licensee.

Section 9. Section 404 of the act, amended September 2, 1971 (P.L.429, No.103), is amended to read:

Section 404. Issuance of [Hotel, Restaurant and Club Liquor] Licenses.—Upon receipt of the application, the proper fees and bond, and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a wholesale license, retail license or a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of an applicant for a wholesale or retail liquor license, grant and issue to the applicant a liquor license except where there are two or more eligible applicants for the same license in which case the board shall conduct an auction in accordance with regulations of the board and, thereafter, grant and issue the liquor license to the highest eligible bidder, and in the case of [a] an application for a club liquor license may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place which is within two hundred feet of any other premises which is licensed by the board, or if such new license or transfer is applied for a place where the principal business is the sale of liquid fuels and oil: And provided further, That the board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, such new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed and with due regard for population density: And provided further, That the board shall not issue new licenses in any license district more than twice each license year, effective from specific dates fixed by the board, and new licenses shall not be granted, except for hotels as defined in this act, unless the application therefor shall have been filed at least thirty days before the effective date of the license: And provided further, That nothing herein contained shall prohibit the board from issuing a new license for the balance of any unexpired term in any license district to any applicant in such dis-

trict, who shall have become eligible to hold such license as the result of legislative enactment, when such enactment shall have taken place during the license term of that district for which application is made or within the thirty days immediately preceding such term, nor shall anything herein contained prohibit the board from issuing at any time a new license for an airport restaurant, or municipal golf course, as defined in section 461 of this act, for the balance of the unexpired license term in any license district: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license.

Section 10. Section 405(a) of the act is amended and the section is amended by adding a subsection to read:

Section 405. License Fees.—(a) License fees for retail licenses and for hotel and restaurant liquor licenses shall be graduated according to the population of the municipality as determined by the last preceding decennial census of the United States in which the hotel or restaurant is located, as follows:

In municipalities having a population of less than fifteen hundred inhabitants, one hundred fifty dollars (\$150.00).

In municipalities, except townships, having a population of fifteen hundred and more but less than ten thousand inhabitants, and in townships having a population of fifteen hundred and more but less than twelve thousand inhabitants, two hundred dollars (\$200.00).

In municipalities, except townships, having a population of ten thousand and more but less than fifty thousand inhabitants, and in townships having a population of twelve thousand and more but less than fifty thousand inhabitants, three hundred dollars (\$300.00).

In those having a population of fifty thousand and more but less than one hundred thousand inhabitants, four hundred dollars (\$400.00).

In those having a population of one hundred thousand and more but less than one hundred fifty thousand inhabitants, five hundred dollars (\$500.00).

In those having a population of one hundred fifty thousand and more inhabitants, six hundred dollars (\$600.00).

(a.1) Every applicant for a wholesale license shall pay to the board a license fee of one thousand dollars (\$1,000.00).

Section 11. Section 406 of the act is amended by adding subsections to read:

Section 406. Sales by Liquor Licensees; Restrictions.—***

(c) Every retail licensee may sell liquors at discount to hotels, restaurants, clubs and railroad pullman and steamship companies licensed under this act and under the regulations of the board to pharmacists duly licensed and registered under the laws of the Commonwealth and to manufacturing pharmacists and to reputable hospitals approved by the board, or chemists. The retail licensees may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States, the National Formulary or the American Homeopathic Pharmacopoeia. All other sales by such licensees shall be at retail.

(d) No liquor or alcohol package shall be opened on the premises of a retail licensee. No manager or other employe of a retail licensee shall allow any liquor or alcohol to be consumed on the premises of the licensee nor shall any person consume any liquor or alcohol on such premises.

(e) Retail licensees may sell liquor only after seven o'clock antemeridian of any day until ten o'clock postmeridian of the same day, except Sunday, and except on the twenty-fifth day of December, known as Christmas Day, and if any such day is Sunday, the next day thereafter.

Section 12. Section 408.3(g.1) of the act, amended December 16, 1982 (P.L.1359, No.311), is amended and the section is amended by adding subsections to read:

Section 408.3. Performing Arts Facilities.—***

(a.2) The board is authorized to approve the transfer of a restaurant license to one nonprofit corporation operating a theater for the performing arts in each city of the first class and in each township of the first class which has a seating capacity of at least two hundred fifty persons and which has operated continuously for a minimum of twenty-five years as a commercial or nonprofit theater, except where prohibited by local option, for the retail sale of liquor and malt or brewed beverages by the glass, open bottle or other container or in any mixture for consumption in any such theater for the performing arts.

(g.1) Sales by the holder of a performing arts facility license referred to in subsection (a.1) or (a.2) shall be further restricted to the period of time beginning one (1) hour before and ending one (1) hour after any presentation at the performing arts facility.

(j.2) Performing arts facilities referred to in subsection (a.2) shall not be subject to the provisions of section 463 nor to the provision requiring a special permit for dancing, theatricals or floor shows of any sort, or moving pictures other than television in clause (10) of section 493 nor to provisions defining "restaurant" in section 102.

Section 13. Subsections (a), (d) and (e) and last paragraph of section 411 of the act, amended July 9, 1976 (P.L.963, No.188), are amended to read:

Section 411. Interlocking Business Prohibited.—(a) No manufacturer and no officer or director of any manufacturer shall at the same time be a holder of a wholesale, retail, hotel, restaurant or club liquor license, nor be the owner, proprietor or lessor of any place covered by any wholesale, retail, hotel, restaurant or club liquor license.

(d) Excepting as herein provided, no wholesale licensee, retail licensee, hotel licensee, restaurant licensee or club licensee, and no officer, director, stockholder, agent or employe of any such licensee shall in any wise be interested, either directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a manufacturer in manufacturing liquor or malt or brewed beverages; nor shall any wholesale, retail, hotel, restaurant or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any manufacturer for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used for the manufacture of liquor or malt or brewed beverages.

(e) Except as herein provided, no wholesale, retail, hotel, restaurant, retail dispenser or club licensee, and no officer, director or stockholder, agent or employe of any such licensee shall in any wise be interested, directly or indirectly, in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same, used by a distributor, importing distributor, or by an importer or sacramental wine licensee, in the conduct of his business; nor shall any wholesale, retail, hotel, restaurant, retail dispenser or club licensee, or any officer, director, stockholder, agent or employe of any such licensee, either directly or indirectly, lend any moneys, credit, or give anything of value or the equivalent thereof, to any distributor, importing distributor, importer or sacramental wine licensee, for equipping, fitting out, or maintaining and conducting, either in whole or in part, an establishment used in the conduct of his business.

The purpose of this section is to require a separation of the financial and business interests between manufacturers and holders of wholesale, retail, hotel or restaurant liquor licenses and, as herein provided, of club licenses, issued under this article, and no person shall, by any device whatsoever, directly or indirectly, evade the provisions of the section. But in view of existing economic conditions, nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a licensee under this article after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July eighteenth, one thousand nine hundred thirty-five: Provided, however, That this clause shall not prohibit any hotel, restaurant or club liquor licensee from owning land which is leased to, and the buildings thereon owned by, a holder of a retail dispenser's license; and nothing in this clause shall prevent the issuance of a retail dispenser's license to a lessee of such lands who owns the buildings thereon: And, provided further, That nothing contained in this section shall be construed to prohibit any hotel, restaurant, retail dispenser or club licensee or any officer, director or stockholder, agent or employe of any such licensee from having a financial or other interest, directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against same, used, leased by an importer or sacramental wine licensee for the exclusive purpose of maintaining commercial offices and on the condition that said property is not used for the storage or sale of liquor or malt or brewed beverages in any quantity.

Section 14. Section 461(a) of the act, amended December 17, 1982 (P.L.1390, No.319), is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of liquor or the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each two thousand inhabitants in any municipality, exclusive of licenses granted to airport restaurants, municipal golf courses, hotels, privately-owned public golf courses, as defined in this section, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses and except in that part of a split municipality where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels, municipal golf courses, airport restaurants, privately-owned public golf courses and privately-owned private golf course licensees, as defined in this section, shall be granted so long as said limitation is exceeded.

Section 15. Section 464 of the act, repealed in part June 3, 1971 (P.L.118, No.6), is amended to read:

Section 464. Hearings Upon Refusal of Licenses, Renewals or Transfers; Appeals.—The board may of its own motion, and shall upon the written request of any applicant for retail, wholesale, club, hotel or restaurant liquor license, or any applicant for any malt or brewed beverage license other than a public service license, or for renewal or transfer thereof, whose application for such license, renewal or transfer has been refused, fix a time and place for hearing of such application for license or for renewal or transfer thereof, notice of which hearing shall be mailed to the applicant at the address given in his application. Such hearing shall be before the board, a member thereof, or an examiner des-

igned by the board. At such hearing, the board shall present its reasons for its refusal or withholding of license, renewal or transfer thereof. The applicant may appear in person or by counsel, may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The examiner shall thereafter report to the board upon such hearing. The board shall thereupon grant or refuse the license, renewal or transfer thereof. In considering the renewal of a license, the board shall not refuse any such renewal on the basis of the propriety of the original issuance or any prior renewal of such license. If the board shall refuse such license, renewal or transfer following such hearing, notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order and furnish a copy thereof to the applicant. Any applicant who has appeared before the board or any agent thereof at any hearing, as above provided, who is aggrieved by the refusal of the board to issue any such license or to renew or transfer any such license may appeal, or any church, hospital, charitable institution, school or public playground located within three hundred feet of the premises applied for, aggrieved by the action of the board in granting the issuance of any such license or the transfer of any such license, may take an appeal limited to the question of such grievance, within twenty days from date of refusal or grant, to the court of [quarter sessions] common pleas of the county in which the premises applied for is located or the county court of Allegheny County. Such appeal shall be upon petition of the aggrieved party, who shall serve a copy thereof upon the board, whereupon a hearing shall be held upon the petition by the court upon ten days' notice to the board, which shall be represented in the proceeding by the [Department of Justice] Office of Attorney General. The said appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The court shall hear the application de novo on questions of fact, administrative discretion and such other matters as are involved, at such time as it shall fix, of which notice shall be given to the board. The court shall either sustain or over-rule the action of the board and either order or deny the issuance of a new license or the renewal or transfer of the license to the applicant.

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Section 16. Section 465(d) of the act is amended to read:

Section 465. All Licensees to Furnish Bond.—***

(d) The penal sum of the respective bonds filed under the provisions of this section shall be as follows:

(1) Manufacturers of malt or brewed beverages, ten thousand dollars (\$10,000.00) for each place at which the licensee is authorized to manufacture.

(2) Liquor importers, ten thousand dollars (\$10,000.00) for each license.

(3) Sacramental wine licensees, ten thousand dollars (\$10,000.00).

(3.1) Wholesale liquor licenses, ten thousand dollars (\$10,000.00).

(3.2) Retail liquor licenses, ten thousand dollars (\$10,000.00).

(4) Importing distributors of malt or brewed beverages, two thousand dollars (\$2,000.00).

(5) Hotel, restaurant, club and public service liquor licensees, two thousand dollars (\$2,000.00), but in the case of a railroad or pullman company, such penal sum shall cover every dining, club or buffet car of such company operated under such license.

(6) Distributors of malt or brewed beverages, one thousand dollars (\$1,000.00).

(7) Retail dispensers and public service malt or brewed beverage licensees, one thousand dollars (\$1,000.00) for each place at

which the licensee is authorized to sell malt or brewed beverages, except that in the case of railroad or pullman companies, said penal sum shall be one thousand dollars (\$1,000.00), irrespective of the number of licensed cars operated by the company.

Section 17. Section 468(a) of the act, amended June 24, 1982 (P.L. 624, No. 176), is amended to read:

Section 468. Licenses Not Assignable; Transfers.—(a) Licenses issued under this article may not be assigned. The board, upon payment of the transfer filing fee and the execution of a new bond, is hereby authorized to transfer any license issued by it under the provisions of this article from one person to another or from one place to another, or both, within the same municipality, and if the applicant is a unit of a nonprofit nationally chartered club, the board is hereby authorized to transfer such license to a place in any other municipality within the same county if the sale of liquor or malt and brewed beverages are legal in such other municipality as the board may determine. Prior to the approval of an application for transfer by a unit of a nonprofit nationally chartered club the board shall make an affirmative finding, upon proof submitted by the applicant, and after investigation by the board, that at the time the application for transfer is made the club continues to hold a valid national charter and continues to function in fact as a club as defined in section 102. The board, in its discretion, may transfer an existing wholesale, retail, restaurant retail dispenser or club license from one municipality to another in the same county regardless of the quota limitations provided for in this act, if sales of liquor or malt and brewed beverages are legal in such other municipality and if the restaurant retail dispenser or club lost the use of the building in which it was located due to governmental exercise of the right of eminent domain and no other suitable building can be found in the first municipality. In the case of distributor and importing distributor licenses, the board may transfer any such license from its place in a municipality to a place in any other municipality within the same county, or from one place to another place within the same municipality, or exchange a distributor license for an importing distributor license or an importing distributor license for a distributor license, if the building for which the license is to be issued has, in the case of an importing distributor license, an area under one roof of two thousand five hundred square feet and, in the case of a distributor license, an area under one roof of one thousand square feet: And provided, That, in the case of all transfers of distributor or importing distributor licenses, whether from a place within the same municipality to another place within the same municipality or from a place in a municipality to a place in any other municipality within the same county, and, in the case of an exchange of a distributor license for an importing distributor license or an importing distributor license for a distributor license, the premises to be affected by the transfer or exchange shall contain an office separate and apart from the remainder of the premises to be licensed for the purpose of keeping records, required by the board, adequate toilet facilities for employes of the licensee and an entrance on a public thoroughfare: Provided, however, That in the event that the majority of the voting electors of a municipality, at an election held under the provisions of any law so empowering them to do, shall vote against the issuance of distributor or importing distributor licenses in such municipality, the board is hereby authorized to transfer any such distributor or importing distributor license from its place in such municipality to a place in any other municipality within the same county, upon application prior to the expiration of any such license and upon payment of the transfer filing fee and the execution of a new bond; but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally, nor, except as herein provided, to a place as to which a license has been revoked. No

license shall be transferred to any place or property upon which is located as a business the sale of liquid fuels and oil. Except in cases of emergency such as death, serious illness, or circumstances beyond the control of the licensee, as the board may determine such circumstances to justify its action, transfers of licenses may be made only at times fixed by the board. In the case of the death of a licensee, the board may transfer the license to the surviving spouse or personal representative or to a person designated by him. From any refusal to grant a transfer or upon the grant of any transfer, the party aggrieved shall have the right of appeal to the proper court in the manner hereinbefore provided.

Section 18. Section 472 of the act, amended July 11, 1980 (P.L.558, No.117), is amended to read:

Section 472. Local Option.—In any municipality or any part of a municipality where such municipality is split so that each part thereof is separated by another municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of retail liquor licenses and liquor licenses to hotels, restaurants and clubs, not oftener than once in four years, with respect to the granting of retail liquor licenses and licenses to retail dispensers of malt and brewed beverages, or not oftener than once in four years with respect to granting of licenses to wholesale distributors and importing distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of [Pennsylvania liquor stores,] retail liquor stores within the limits of such municipality or part of a split municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: And provided further, That an election on the question of establishing and operating a [State] retail liquor store shall be initiated only in those municipalities, or that part of a split municipality that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor and importing distributor licenses shall be initiated only in those municipalities or parts of split municipalities that shall have at a previous election voted against the granting of dispenser's licenses. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or part of a split municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting any of said classes of licenses or the establishment of [Pennsylvania] retail liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election. Separate petitions must be filed for each question to be voted on. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in..... Yes
of.....? No

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the... Yes
of.....? No

When the question is in respect to the granting of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor the granting of malt and brewed beverage wholesale distributor's and importing distributor's licenses not for consumption on premises where sold in the..... Yes
of.....? No

When the question is in respect to the establishment, operation and maintenance of [Pennsylvania] retail liquor stores it shall be in the following form:

Do you favor the [establishment, operation and maintenance of Pennsylvania liquor stores in the] granting of retail liquor licenses in the..... Yes
of.....? No

In case of a tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be granted by the board, [or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be,] or the board may grant retail liquor licenses for the establishment of retail liquor stores in such municipality or part of a split municipality, as provided by this act; but if a majority of the electors voting on any such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the [establishment, operation and maintenance of Pennsylvania liquor stores,] issuance of retail liquor licenses the board shall not [open and operate a Pennsylvania] issue any license for the operation of a retail liquor store in such municipality or part of a split municipality, [nor continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less,] unless and until at a later election a majority of the voting electors vote "yes" on such question.

Section 19. Section 801(a) of the act is amended to read:

Section 801. Moneys Paid Into Liquor License Fund and Returned to Municipalities.—(a) The following fees collected by the board under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into a special fund to be known as the "Liquor License Fund":

- (1) License fees for hotel, restaurant and club liquor licenses.
- (2) License fees for retail dispensers' (malt and brewed beverages) licenses.
- (3) Licenses for wholesale and retail liquor licenses.

Section 20. The act is amended by adding an article to read:

ARTICLE VIII-A.
COMMISSION OF LICENSURE, SALES AND
DIVESTITURE.

Section 801-A. Definitions.—The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Commission” shall mean the Commission of Licensure, Sales and Divestiture.

“Divestiture” shall mean the date on which all State proprietary interest in the sale of liquor at a particular store shall end.

“Sales date” shall mean the date one year from the effective date of this act.

“Store” shall mean any Pennsylvania Liquor Store in the Commonwealth.

Section 802-A. Creation of Commission of Licensure, Sales and Divestiture; Personnel.—(a) There is hereby created a temporary, independent Commission of Licensure, Sales and Divestiture. The commission shall consist of the chairman of the Liquor Control Board, the Secretary of General Services, two members of the Senate, one from the majority and one from the minority, two members of the House of Representatives, one from the majority and one from the minority and a nominee of the Governor. The commission shall have the power and its duties shall be to divest the Pennsylvania Liquor Store systems of its retail operations, and otherwise to administer and carry out the provisions of this act. The commission shall have no powers and duties, and it shall disbar,d, three years after the effective date of this amendatory act.

(b) The commission shall have the power to utilize the services of existing State employes now employed by the Liquor Control Board, the Department of General Services and the Office of Attorney General. The commission shall also have the power to employ a director and such additional legal, professional, technical, clerical, accounting and other assistants as may be deemed necessary by the commission. Such additional employes shall be informed by the commission that their employment will be only for the duration of the commission.

Section 803-A. Powers and Duties of Commission.—The commission shall be charged with the enforcement and administration of the act. The duties of the commission shall include, but not be limited to the following:

(1) Prepare bids, specifications and prospectus for store licenses.

(2) Prepare inventories of the stores to be sold.

(3) Research the qualifications of the bidders.

(4) Advertise the nature and time of the sales.

(5) Determine minimum sales price for each store.

(6) Advertise bids per legal requirements.

(7) Sell the good will and the liquor stocked in the Pennsylvania Liquor Stores.

(8) Sell remaining personalty after divestment of marketable stores.

(9) Request from any department or agency of State Government such information as it deems pertinent.

(10) Promulgate rules and regulations in order to facilitate the expeditious and orderly accomplishment of the aforementioned duties of the commission.

Section 804-A. Determination of Minimum Bid.—During the twelve-month period following the effective date of this act the commission shall perform the following functions:

(1) Determine a minimum acceptable bid for each Pennsylvania Liquor Store based upon, but not limited to, the following factors:

(i) The dollar amount of liquor on hand and the estimated dollar amount of liquor likely to be on hand at divestiture.

(ii) Good will.

(iii) Personalty such as cash registers, shelving, counters, office machines, tables, chairs, desks, janitorial equipment, conveyor belts and other miscellaneous personalty.

(iv) Location.

(v) Past and expected earnings of the store.

(vi) Sales volume.

(2) Divide the Pennsylvania Liquor Stores into five groups of approximately one hundred fifty stores each for the purpose of transferring ownership of the stores intermittently over a period of sixteen months from the sales date. The selection of stores to be placed in each group will be made so as to ensure the availability of liquor to the consumer during the transition period, and shall be based upon such factors as proximity to other retail stores, sales volume, number of employes and geographic location. Divestiture for five groups of stores shall be according to the following schedule:

Group A. Four months after the sales date.

Group B. Seven months after the sales date.

Group C. Ten months after the sales date.

Group D. Thirteen months after the sales date.

Group E. Sixteen months after the sales date.

(3) Prepare a detailed sales prospectus for each store which shall state the minimum sales price of the store, date of divestiture, location, number of employes, sales volume, details of the current store lease, dollar amount of liquor on hand at last inventory, estimated dollar amount of liquor on hand at divestiture, list of personalty titled in the Commonwealth, list of rented, leased or other property not titled in the Commonwealth, and such other information as the commission shall deem necessary.

(4) Prepare a detailed sales prospectus for each wholesale location which shall state the minimum price for licensure, sales date, approximate location, and such other information as the commission shall deem necessary.

Section 805-A. Advertising.—(a) As soon after the effective date of this act as is practical the commission shall conduct an organized and systematic publicity program to inform the public of this Commonwealth and others outside the Commonwealth of the facts surrounding the sales as contemplated herein. This advertising shall be in addition to the legal requirements of the advertisement for bids as set forth below. The commission may use whatever means it finds appropriate to inform the public of the sale, including but not limited to, newspaper advertisements, radio and television announcements, magazine advertisements, and such other means as the commission shall determine. Such

advertisements need not be restricted to publication within this Commonwealth.

(b) Beginning nine months after the effective date of this act the commission shall commence advertisement of invitation to bid as specified herein.

(1) These advertisements must be inserted at least three times in not less than ten nor more than fifteen newspapers of large general circulation in different parts of the Commonwealth. The first and last publication of any such advertisement shall be at least thirty days apart and the commission shall not advertise hereunder in more than three newspapers in the same county.

(2) The content of the advertisement as specified herein shall include the minimum sales price of the store, its group letter and date of divestiture. The advertisement shall state the dates, times and places where the bids are to be submitted and opened. The advertisement shall give a brief statement as to the terms and conditions of the contract which the bidder will be obligated to assume with the liquor store employees union. The advertisement shall also include a statement that the complete terms and conditions of the sale of each store are contained in prospectus issued by and available from the commission.

(3) Such legal notice shall specify and this act hereby requires that all bids be accompanied by certified or bank check or bid bonds for ten per centum of the amount of the bid.

Section 806-A. Bid Process.—(a) In addition to meeting all other qualifications of a retail or wholesale licensee under this act, the bidder must:

(1) furnish the Liquor Control Board with information relative to his financial status, experience in business, prior employment in the liquor industry as well as a detailed financial history including records of any bankruptcies, and a statement of criminal convictions; and

(2) file with the Liquor Control Board an application for a retail or wholesale license.

This information shall be verified by affirmations attached to the bid and to the application. The Liquor Control Board may consider the information contained in the bidder's statement in determining who is a qualified bidder under the terms of this act. The terms of this section shall apply to every individual natural person who is a bidder as well as to his partners and associates. If the bidder is a corporation, it must furnish its articles of incorporation, its certificate for doing business in this Commonwealth and such other information as the Liquor Control Board may require, including statements as to qualifications of the significant stockholders, officers or board of directors as if they were individual applicants under this act. Information provided under this act shall be confidential except that it shall be available at all times to the commission, the Pennsylvania State Police, and other law enforcement agencies entrusted with the enforcement of this act.

(b) If any bidder chooses to bid on more than one store or wholesale license he must in all ways comply with the terms of this act, except that such bidder need submit only one certified or bank check or bid bond in the amount of ten per centum of his highest bid for a store on which he is submitting bids. If any bidder chooses to bid on more than one store or wholesale license, such multiple bidder must submit to the commission with

his bids a list of his stores to which he will be bound in the case he is the highest qualified bidder on more than one store.

(c) All bids must be in the hands of the commission at the close of business on the business day next before the sales date. The commission shall open all bids and record the contents thereof in public on the sales date.

(d) The commission shall have the right to reject any or all bids, to waive technical defects and to accept or reject any part of any bid, if in the judgment of the commission the best interests of the Commonwealth shall require it. No bid shall be considered unless accompanied by a certified or bank check or bid bond as prescribed above.

(e) The commission shall determine the highest bidder for each store or wholesale location. This determination shall be made as soon as practicable after the sales date. Within ten days of this determination such bidder must submit a surety performance bond for one hundred per centum of his bid price for such store license. Such additional bonds shall be held by the commission until the full price has been paid to it on the date of settlement. In case a tie shall exist by reason of two or more persons submitting identical highest bids, the commission at its sole discretion shall determine the person to whom such store is to be assigned. If a person who has bid on more than one store or wholesale location is determined to be the highest bidder, he shall be assigned the store or wholesale location highest on his preference list and all other bids of that bidder shall be deemed withdrawn. In such case the assignment of the store upon which such bid had been withdrawn will be made to the next highest bidder. Upon the determination of a highest bidder, his name and the store or wholesale location assigned to him shall be certified by the commission to the Liquor Control Board.

(f) Upon the certification of the name of the highest bidder for a store, the Liquor Control Board shall promptly issue a retail license as per the application of the bidder. This license shall be issued together with the approval of the Liquor Control Board that said licensee is certified to operate a retail store on the premises of the Pennsylvania Liquor Store so sold. The Liquor Control Board may refuse to award such license upon good cause shown that the bidder does not meet the qualifications for holding a retail license. If the Liquor Control Board shall refuse to award such license, it shall notify the commission of this refusal, whereupon the commission shall determine the next highest bidder for that store and shall certify his name to the Liquor Control Board. No issuance of a license shall be made until all awards have been determined, except awards for those stores for which no qualified bid above the minimum acceptable price shall have been received.

(g) Upon the certification of the name of the highest bidder for a wholesale location, the Liquor Control Board shall promptly issue a wholesale license as per the application of the bidder, subject only to its approval of the exact location within the Commonwealth which shall be the actual place where sales are made and from which deliveries are made. The Liquor Control Board may refuse to award such license upon good cause shown that the bidder does not meet the qualifications for holding a wholesale license. If the Liquor Control Board shall

refuse to award such license, it shall notify the commission of this refusal, whereupon the commission shall determine the next highest bidder for that wholesale location and shall certify his name to the Liquor Control Board. No issuance of a license shall be made until all awards have been determined, except for awards for those wholesale locations for which no qualified bid above the minimum acceptable price shall have been received.

Section 807-A. Lack of Acceptable Bid.—If a store does not receive a qualified bid over the minimum sales price, the commission shall re-label said stores as Group E, and shall re-invite bids for said stores in accordance with the provisions of this act, except that the date for commencing advertisement for bids shall be twenty-one months after the effective date of this act and the sales date shall be twenty-four months after the effective date of this act. Under appropriate circumstances where failure to certify bids is due to the lack of acceptable bids above the minimum sales price, the commission shall reconsider and may redetermine the minimum sales price.

Section 808-A. Transfer of License.—(a) If at anytime after the award of a license but within three years after the effective date of this act the retail or wholesale licensee wishes to change the location of his store or operation he shall submit an application for such transfer to the commission, which shall grant or deny such application according to the following criteria and such other rules and regulations as it may deem necessary:

(1) The public benefit to be derived from such transfer, including improvement in the quality of service, probability of lower prices to the consumer, and availability of service to present and potential customers.

(2) The applicability of State law and local ordinances as to location of liquor stores.

(3) The effect of the proposed transfer on the competitive market.

(4) The duplication of services in high density population areas.

(5) Such other criteria reasonably necessary to protect public health, safety and welfare as the commission shall set forth in its rules and regulations.

(b) After three years from the effective date of this amendatory act, all applications for transfers shall be made in accordance with law.

Section 809-A. Divestiture.—(a) In the case of every store sold in the Commonwealth the commission shall give notice to the landlord of a date certain for termination of the existing lease. This date may not be less than five nor more than ten business days after divestiture and shall be given sufficiently before said date as to meet the requirements of the lease. The commission shall compute the pro rata costs of operation of the store for the days beyond divestiture and said costs shall be borne by the licensee for that store. In the case the buyer is moving his location during said extra days beyond divestiture, he shall have the right of entry and removal of his liquor and personalty, but may not sell liquor at that location. If the buyer is continuing the liquor business at that location he may begin sales on the day after divestiture.

(b) The commission and the retail licensee shall fix a date within thirty days prior to divestiture for the purpose of settlement. At settlement the licensee shall pay the balance of the purchase price, prorated operating expenses due to lease extensions beyond divestiture and all other appropriate charges.

(c) On the day of divestiture, the commission shall compile a final inventory of all liquor on hand in each store, excluding any liquor in transit. Adjustments shall be made as to the variance between the dollar amount of liquor on hand and that which was estimated to be on hand in the prospectus. Liquor in transit shall be returned to the State warehouse.

Section 810-A. Failure to Award Licenses; Surplus Liquor.—

(a) If any store remains unsold twenty-four months after the effective date of this act, the commission shall return the liquor to the State warehouse, remove and assign the personalty to the Department of General Services for disposition in accordance with law, terminate the contracts of the employes, and give notice of termination to the landlord as required by the lease. The commission may close an unsold store at anytime prior to divestiture.

(b) In the case that no qualified bidder shall submit a bid above the minimum sales price for a wholesale location, the license shall be deemed lapsed, shall remain undisposed of, and shall be offered for sale by the Liquor Control Board at a subsequent time in accordance with law.

(c) Any stock of liquor remaining unsold three years after the effective date of this act shall be disposed of in the manner provided for the sale of surplus Commonwealth property, except that it may only be sold in the Commonwealth to retail or wholesale license bidders.

(d) Such warehouses as may be titled in the Commonwealth shall be retained, sold or otherwise disposed of after three years from the effective date of this act in the manner as is provided by law.

Section 811-A. Continuation of Pennsylvania Liquor Stores.—(a) Notwithstanding the contemplated sale of a store the Liquor Control Board shall continue to operate, supply and resupply said store until divestiture.

(b) The Liquor Control Board shall continue to make purchases of liquor as heretofore until twenty-eight months after the effective date of this act. At that date the Liquor Control Board shall cease placing orders for liquor to be delivered to the Pennsylvania Liquor Store system. Liquor ordered before this date may be accepted and payment made therefor.

Section 812-A. Transfer of Certain Powers and Duties.—For the purposes of this act, all of the powers and duties relating to warehousing of liquor and wine currently vested in the Liquor Control Board by this act are hereby transferred to the commission.

Section 813-A. Establishment of Prices.—(a) The Liquor Control Board shall establish subject to the approval of the commission for every item which it stocks a wholesale price and shall sell its stock of liquor to retailers at such price.

(b) The Liquor Control Board shall fix subject to the approval of the commission the retail price of liquor for items on the restricted list. The retail price of liquor on the restricted list shall be eighteen per centum higher than the wholesale price: Provided,

however, That there shall be established only one price for each restricted list item no matter where sold. The Liquor Control Board shall allow discount sales to holders of hotel, restaurant and club licenses, but the price after discount shall not be lower than the wholesale price.

(c) Three years after the effective date of this act the Liquor Control Board shall cease making sales at wholesale.

Section 814-A. Commencement of Business.—

(a) Immediately upon the award of a wholesale license, the wholesaler may commence business activities, except that he may sell to retailers only those items not on the restricted list. The wholesaler may purchase liquor from any source including the Commonwealth.

(b) From and after divestiture a retail licensee may commence business activities subject to the limitation that items on the restricted list must be purchased only from the Commonwealth. Any other item which he chooses to sell must be bought from a licensed wholesaler.

Section 815-A. Employes Rights Continued.—(a) For the purpose of this section the following words shall have the meanings as ascribed to them:

“Agreement” means the collective bargaining agreement in force at the time of divestiture between the bargaining unit for which the union is recognized as the exclusive bargaining agent by the Liquor Control Board and the Commonwealth.

“Buyer” means the person to whom a retail license is issued by the Liquor Control Board pursuant to this act.

“Employe” means only those persons covered by the agreement and who also are employed by the buyer after divestiture.

(b) On the date of divestiture the buyer shall commence the employment of all full-time employes of the Pennsylvania Liquor Store he has been awarded. Such continuation of employment shall be at the same terms and conditions with the same rights and duties as specified in the agreement and the buyer shall be deemed to have assumed all the rights and duties of the Commonwealth.

(c) If an agreement expires after sixteen months from the effective date of this act it shall be deemed to extend until the end of thirty-six months after the effective date of this act but no longer and it shall be binding on the buyer.

(d) All employe benefits which are provided by the Commonwealth under the agreement, such as the obligation to purchase health and life insurance and to pay pensions, shall continue to be borne by the Commonwealth for the duration of the agreement. The shares of the benefits which are the responsibility of the employe in whole or in part under the terms of the agreement shall be deducted by the buyer and paid over to the Commonwealth. For the purpose of this subsection relating to benefits, the rights of the employes shall continue for the life of the agreement as if it were still between the Commonwealth and the employe. The employe shall be deemed a Commonwealth employe for the purpose of this subsection only.

Section 816-A. Job Preference.—If a former employe of the Pennsylvania Liquor Stores is unemployed by reason of the termination of the collective bargaining agreement, or if any employe of the Commonwealth is unemployed by reason of this act he shall be deemed preferred on the civil service list for any

employment for which he would otherwise be qualified in the Liquor Control Board.

Section 817-A. Penalties; Criminal Offenses.—(a) In addition to all other penalties provided by law, any person, association, partnership, firm or corporation who shall violate any of the provisions of this act or who shall willfully neglect to comply with any of the provisions of this act, or who shall make a false statement or false oath as to any matter, fact, or thing in any statement required to be filed under the provisions of this act shall be guilty of a misdemeanor of the first degree.

(b) The right of the Liquor Control Board to suspend and revoke licenses granted under this act shall exist in addition to the penalties set forth in this section.

Section 21. (a) The sum of \$1,200,000 is hereby appropriated out of the State Store Fund to be used as follows:

(1) For the purpose of advertising as required by section 805-A(a), the sum of \$200,000.

(2) For the purpose of administration of the act generally, \$1,000,000.

(b) This appropriation shall not be used for the purpose of section 815-A(c) but the expenditures contemplated by section 815-A(c) shall be paid out of the appropriation to the Liquor Control Board.

Section 22. (a) Section 12 shall take effect in 60 days.

(b) Sections 1 through 11 and 13 through 19 shall take effect in three years.

(c) Sections 20, 21 and 22 shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator KELLEY. Mr. President, I am sure there will be some people who will vote for or against this amendment based on some perceived argument that this matter should be handled separately on its own. However, I believe the issue has been long-standing and is very important. It is very important to many, many people, millions of people, in this Commonwealth. It is a substantial change in the public policy of this Commonwealth. It has been advanced by His Excellency, the Governor of this Commonwealth, of which his political party is the same as the Majority in this Body. I would say that this is the privatization bill for the sale and distribution of alcoholic beverages, particularly the spirits and wine. It will be brought up parallel with that of the malt beverage alcoholic sale and distribution in the Commonwealth. We have had public hearings for many, many years, and rather than repeat the issue or cloud the issue, Mr. President, I have the same amendment prepared for Senate Bill No. 964, which is a very serious change of the structure and manner with which we operate the Liquor Control Board. Therefore, it is probably more fitting that this amendment would be considered at that time.

AMENDMENT WITHDRAWN

Senator KELLEY. Mr. President, rather than have the same issue raised twice today in probably parallel votes, I, therefore, withdraw my amendment at this time. I will offer the same thing in Senate Bill No. 964.

The PRESIDENT pro tempore. Senator Kelley withdraws the amendment. Senate Bill No. 383 will go over in its order, as amended.

HB 348 CALLED UP

HB 348 (Pr. No. 1258) — Without objection, the bill, which previously went over in its order, was called up, from page 8 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 348 (Pr. No. 1258) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation and regulation of multipurpose agricultural vehicles; providing for the registration and regulation of certain all-terrain vehicles; and imposing powers and duties on the Department of Environmental Resources.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 499 (Pr. No. 1892) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for leases on certain areas of State forests and for bonding requirements for oil and gas operations.

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—47

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

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.

BILLS OVER IN ORDER

SB 670 and 673 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 805 (Pr. No. 1893) — 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—47

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

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 820 (Pr. No. 1264) — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the sale of shared use of real property and the exchange, operation, management, use and licensing concepts in real estate practice.

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 BELL. Mr. President, I believe this is a timeshare bill. It is very lengthy. I have endeavored to read it and I am not satisfied that the purchaser is protected with this legislation. I see no evidence in the bill that a timeshare purchaser gets a deed. I do not know what he gets as evidence of ownership. There are some other factors, and I am going to vote "no."

And the question recurring,

Shall the bill pass finally?

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

YEAS—46

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bodack	Howard	Musto	Shumaker
Brightbill	Jones	O'Pake	Singel
Corman	Jubelirer	Pecora	Stapleton
Early	Kelley	Peterson	Stauffer
Fisher	Kratzer	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess	Madigan		

NAYS—1

Bell

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

SB 886 (Pr. No. 1235) — The Senate proceeded to consideration of the bill, entitled:

An Act creating the Whitewater Act; establishing rules and regulations pertaining to the recreational use of certain Commonwealth waters.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Environmental Resources and Energy.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 922 (Pr. No. 1243) — 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 multiple convictions for inchoate crimes and for aggravated assault; and prohibiting the retention of certain military equipment.

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—47

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

NAYS—0

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

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

SB 934 (Pr. No. 1108) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for investments.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

SB 935 (Pr. No. 1109) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for investments.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

SB 936 (Pr. No. 1110) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," authorizing stock insurers to establish more than one class or series of shares and to permit different voting rights according to the class of shares.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

Andrezeski	Hess	Madigan	Scanlon
Armstrong	Holl	Mellow	Shaffer
Bell	Hopper	Moore	Shumaker
Bodack	Howard	Musto	Singel
Brightbill	Jones	O'Pake	Stapleton
Corman	Jubelirer	Pecora	Stauffer
Early	Kelley	Peterson	Stout
Fisher	Kratzer	Reibman	Tilghman

Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Wilt
Hankins	Loeper	Romanelli	Zemprelli
Helfrick	Lynch	Ross	

NAYS—0

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

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

SB 937 (Pr. No. 1111) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," extending provisions relating to the granting of allowances or pensions to include directors.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

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

BILL ON THIRD CONSIDERATION AMENDED

HB 1000 (Pr. No. 1835) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," requiring a statement of purpose and explanation to be prepared, published and posted for any ballot question.

Considered the third time,

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

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

Amend Title, page 1, line 12, by removing the period after "question" and inserting:

; and further providing for the powers and duties of the Secretary of the Commonwealth and county boards of elections regarding reapportionment and redistricting.

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting:

Section 1. Section 201 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 201. Powers and Duties of the Secretary of the Commonwealth.—The Secretary of the Commonwealth shall exercise in the manner provided by this act all powers granted to him by this act, and shall perform all the duties imposed upon him by this act, which shall include the following:

(a) To determine, in accordance with the provisions of this act, the forms of nomination petitions and papers, expense accounts and all other forms and records, the form of which he is required to determine under the provisions of this act.

(b) To examine and reexamine voting machines, and to approve or disapprove them for use in this State, in accordance with the provisions of this act.

(c) To certify to county boards of elections for primaries and elections the names of the candidates for President and Vice-President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives, and judges of all courts of record, and delegates and alternate delegates to National Conventions, and members of State committees, and the form and wording of constitutional amendments or other questions to be submitted to the electors of the State at large.

(d) To receive and determine, as hereinafter provided, the sufficiency of nomination petitions, certificates and papers of candidates for President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives and judges of all courts of record, and delegates and alternate delegates to National Conventions and members of State committees.

(e) To receive such reports from county boards of elections as are required by this act, and to demand such additional reports on special matters as he may deem necessary.

(f) To receive from county boards of elections the returns of primaries and elections, to canvass and compute the votes cast for candidates and upon questions as required by the provisions of this act; to proclaim the results of such primaries and elections, and to issue certificates of election to the successful candidates at such elections, except in cases where that duty is imposed by law on another officer or board.

(g) To serve as the State liaison, for the purpose of maximizing conformity between census block boundary lines and the Commonwealth's election districts, with the Federal Bureau of the Census and to provide such assistance as is necessary to assure to the General Assembly the availability of election district populations from the Federal Bureau of the Census following the 1990 census.

[(g)] (h) To perform such other duties as may be prescribed by law.

Section 2. The act is amended by adding a section to read:

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

Section 3. Sections 501 and 502 of the act, amended July 11, 1980 (P.L.600, No.128), are amended to read:

Section 501. Townships, Boroughs and Wards to Constitute Election Districts.—Each borough and township, not divided into wards, and each ward of every city, borough and township now existing or hereafter created, shall constitute a separate election district, unless divided into two or more election districts or

formed into one election district, which shall then be renumbered, as hereinafter provided. All election districts now existing or hereafter created shall be numerically identified by the secretary for State reporting purposes within each municipality beginning no later than January 1, 1986.

Section 502. Court to Create New Election Districts.—Subject to the provisions of section 501 of this act, the court of common pleas of the county in which the same are located, may form or create new election districts by dividing or redividing any borough, township, ward or election district into two or more election districts of compact and contiguous territory, having boundaries with clearly visible physical features and wholly contained within any larger district from which any Federal, State, county, municipal or school district officers are elected, or alter the bounds of any election district, or form an election district out of two or more adjacent districts or parts of districts, or consolidate adjoining election districts or form an election district out of two or more adjacent wards, so as to suit the convenience of the electors and to promote the public interests. Election districts so formed shall contain between six hundred (600) and eight hundred (800) registered electors as nearly as may be. No election district shall be formed that shall contain less than one hundred (100) registered electors. If changes are made pursuant to this paragraph by petition on or before December 1, 1986, solely for the purpose of creating clearly visible physical boundaries, the requirements relating to the appropriate number of electors in each election district as provided in section 502 shall not apply to such change. When a school district crosses county lines, the regions of the school district shall be composed of contiguous election districts.

Section 4. Sections 503 and 504 of the act, reenacted April 4, 1945 (P.L.143, No.64) and repealed in part April 28, 1978 (P.L.202, No.53), are amended to read:

Section 503. Petitions for New Election Districts; Reference to County Board of Elections; Report.—Upon the petition of twenty registered electors of any township, borough, ward or election district, to the court of the proper county, praying for the division or redivision of such township, borough, ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof, or for the consolidation of adjoining election districts, the said court shall refer the said petition to the county board of elections, which shall make a full investigation of the facts, and shall report to the court its findings and recommendations as to the division, redivision, alteration, formation or consolidation of election districts prayed for. If the county board shall find that a division, redivision, alteration, formation or consolidation of election districts will promote the convenience of the electors and the public interests, it shall recommend a proper division, redivision, alteration, formation or consolidation of election districts, [and shall accompany its report with a map, plot or draft of the new election district or districts proposed by it, if the same cannot be fully designated by natural lines] which must have clearly visible physical boundaries, and shall accompany its report with a map and a verbal description of the boundaries. Such petitions may specify the boundaries desired by the petitioners, and may be accompanied by a map setting forth such boundaries.

Section 504. Petitions by County Board; Action by Court on Petition or Report.—The county board of elections may also petition the court for the division or redivision of any township, borough, ward or election district into two or more election districts, or for the alteration of the bounds of any election district, or for the formation of one or more election districts out of two or more existing election districts, or parts thereof, or for the consolidation of adjoining election districts, accompanying its petition [by a description of the proposed new election districts and

by a map, plot or draft thereof, if the same cannot be fully designated by natural lines] with a map and a verbal description of the boundaries of the proposed new election districts which must have clearly visible physical features. Upon the presentation of any such petition by the county board, or upon the filing by the board of its report and recommendations as to any petition presented by qualified electors under the provisions of section 503 of this act, the court may make such order for the division, redivision, alteration, formation or consolidation of election districts, as will, in its opinion, promote the convenience of electors and the public interests: Provided, however, That the court shall not make any final order for the division, redivision, alteration, formation or consolidation of election districts until at least ten days after notice shall have been posted in at least five public and conspicuous places in the district or districts to be affected thereby, one of which notices shall be posted on or in the immediate vicinity of the polling place in each such district. Such notice shall state in brief form the division, redivision, alteration, formation or consolidation of election districts recommended by the county board, and the date upon which the same will be considered by the court, and shall contain a warning that any person objecting thereto must file his objections with the clerk of the court prior to such date. Upon the making of any such final order by the court, a copy thereof shall be certified by the clerk to the county board of elections.

Section 5. Section 532(a) of the act, reenacted and amended November 23, 1976 (P.L.1124, No.236), is amended to read:

Section 532. Wards in Cities of the First Class May be Created, Divided, Realigned, or Consolidated.—

(a) Wards in a city of the first class may be created, divided, realigned or consolidated, along clearly visible physical boundaries, by the court of common pleas of the county in which said city is located, upon application thereto for those purposes by the petition of at least a total of one hundred qualified electors from the ward or wards sought to be affected, or of the council of such city.

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

Section 533. Duties and Responsibilities of the Secretary and the County Boards of Elections for the 1990 Reapportionment and Redistricting.—(a) By September 1, 1985, the secretary shall send to each county board of elections copies of the 1980 census maps with each census block clearly marked. By January 1, 1986, the county boards shall return to the secretary those same maps upon which have been drawn all election district lines, along with a written description of the geographic boundaries of each district, a notation as to which boundaries do not coincide with clearly visible physical features, and recommendations for changes in election district boundaries to bring such boundaries into compliance with this act. Upon receipt, the secretary shall review those boundary lines which do not coincide with clearly visible physical features and the recommendations for boundary changes to coincide with clearly visible physical features and confer with the Regional Census Bureau and the county boards to resolve differences. The secretary shall attempt to have the Census Bureau draw block lines in accordance with the recommendations of the county boards provided that such recommendations are in accordance with the provisions of this act. No later than July 1, 1986, the secretary shall inform the county boards that the recommended changes and any resolved differences have been approved by the secretary. The county boards shall petition the appropriate court of common pleas for alteration of the boundaries where necessary, effective immediately following the general election in 1986, as hereinafter prescribed. The secretary shall compensate the county boards for the additional work required on a per capita basis at a rate to be determined by the secretary and in accordance with any appropriation therefor. Should the county boards fail to submit maps, descriptions or

recommendations by January 1, 1986, or should resolution of the necessary boundary changes not be possible by July 1, 1986, the secretary is hereby authorized to ascertain which election district boundaries do not conform with this act and on or before December 1, 1986, petition the Commonwealth Court, with notice to the county boards, to alter such boundaries in order to bring them into compliance. The county boards shall have standing to intervene in any such action for purposes of challenging any boundary recommendations made by the secretary and filing any alternative recommendations so long as such recommendations comply with the provisions of this act.

(b) No election district shall be created, divided, abolished or consolidated or the boundaries therein changed between July 1, 1988, and December 1, 1992, except that an election district may be divided or two or more districts may be combined into one so long as the boundary of the new combined district is composed entirely of clearly visible physical features and the boundary of the new combined district is composed entirely of portions of the original boundaries of the precincts which were combined and the numerical identity of the original district is prefixed. If changes in election districts are required between December 1986, and December 1, 1992, the county boards shall notify the Secretary of the Commonwealth, in writing, and include a map and a description of the proposed geographic boundaries of the new districts. No county boards shall petition the appropriate court of common pleas for approval of the new election districts until the secretary has determined and certified to the county board that the new boundaries have clearly visible physical features conforming with the proposed census blocks. If the secretary does not notify the county board of his approval or rejection of the change, within thirty days of receipt, its change shall be deemed approved.

(c) The secretary shall report the progress of the block boundary review project monthly to the President pro tempore of the Senate and to the Speaker of the House of Representatives. The secretary shall deliver to the Reapportionment Commission of the Commonwealth, when the commission is formed, a full set of maps for every county which shall include all then current precinct boundaries and census blocks and shall, at this same time, make a final report to the President pro tempore of the Senate and the Speaker of the House of Representatives.

Section 7. The following acts and parts of acts are repealed insofar as they are inconsistent with the provisions of sections 201, 501, 502, 503, 532 and 533 of the act as amended herein:

Sections 302 and 302.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Act of December 13, 1974 (P.L.947, No.312), known as the Municipal Reapportionment Act.

Amend Sec. 2, page 2, line 4, by striking out "2" and inserting:
8

Amend Sec. 2, page 2, line 4, by striking out "in 60 days" and inserting: immediately

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Stapleton and Senator Fumo.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Stapleton and Senator Fumo. The Chair hears no objection. Those leaves are granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, for the purpose of the record, we will agree to the amendment so that we have the opportunity of seeing it in print to further discuss the amendment.

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

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 1000 will go over, as amended.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1002 (Pr. No. 1894) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1984 (P. L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act," authorizing additional exemptions from the definition of "surface mining"; and providing for the treatment of slag.

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—47

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

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 STAUFFER. Mr. President, at this time I would ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations that will be held in the Rules Committee room.

The PRESIDENT pro tempore. Senator Stauffer has requested a very brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations to be held in the Rules Committee room at the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, I request a temporary Capitol leave for Senator Bell who has been called from the floor.

The PRESIDENT pro tempore. Senator Stauffer requests a temporary Capitol leave for Senator Bell. The Chair hears no objection. That leave will be granted.

Senator ZEMPRELLI. Mr. President, I was also requested to obtain a temporary Capitol leave for Senator Lynch who was called from the floor.

The PRESIDENT pro tempore. Senator Zemprelli asks for a temporary leave for Senator Lynch. With no objection, that leave will be granted.

CONSIDERATION OF CALENDAR RESUMED SPECIAL ORDER OF BUSINESS

HB 1138 CALLED UP OUT OF ORDER

HB 1138 (Pr. No. 1859) — Without objection, the bill was called up out of order, from page 11 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 1138 (Pr. No. 1859) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), known as the "Child Protective Services Law," further providing for the provision and regulation of child care services and recordkeeping duties; and immunity from liability; and requiring certain persons to furnish information of criminal history.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3 (Sec. 14), page 3, lines 15 through 17, by striking out "AND, UPON REQUEST, TO A PERSON REQUIRED TO REPORT" in line 15, all of line 16, and "THE CHILD OR WITH A SIBLING OF THE CHILD" in line 17

Amend Sec. 5 (Sec. 19), page 5, line 8, by inserting after "WHO": wilfully

Amend Sec. 5 (Sec. 19), page 5, line 9, by striking out "OS" and inserting: of

Amend Sec. 6 (Sec. 23.1), page 6, line 1, by inserting after "PARENTS": , prospective self-employed family day care providers

Amend Sec. 6 (Sec. 23.1), page 6, line 2, by striking out "AS REGULAR VOLUNTEERS OR"

Amend Sec. 6 (Sec. 23.1), page 6, line 8, by striking out "SIX-MONTH" and inserting: one-year

Amend Sec. 6 (Sec. 23.1), page 7, lines 6 through 10, by striking out all of said lines

Amend Sec. 6 (Sec. 23.1), page 7, line 11, by striking out “(e)” and inserting: (d)

Amend Sec. 6 (Sec. 23.1), page 7, line 16, by striking out “(F)” and inserting: (e)

Amend Sec. 6 (Sec. 23.1), page 8, lines 13 and 14, by striking out all of said lines

Amend Sec. 6 (Sec. 23.1), page 8, line 15, by striking out “(G)” and inserting: (f)

Amend Sec. 6 (Sec. 23.1), page 8, line 22, by striking out “BY THE FOSTER FAMILY CARE AGENCY”

Amend Sec. 6 (Sec. 23.1), page 8, line 29, by striking out “(H)” and inserting: (g)

Amend Sec. 6 (Sec. 23.1), page 9, line 8, by striking out “subsection (d)” and inserting: this section

Amend Sec. 6 (Sec. 23.1), page 9, line 12, by striking out “(I)” and inserting: (h)

Amend Sec. 6 (Sec. 23.1), page 9, line 13, by striking out “comply with subsection (b)” and inserting: submit the information set forth in subsection (b)(1) and (2) for review in accordance with this section

Amend Sec. 6 (Sec. 23.1), page 9, line 14, by striking out “(J)” and inserting: (i)

Amend Sec. 6 (Sec. 23.1), page 9, line 17, by striking out “(K)” and inserting: (j)

Amend Sec. 6 (Sec. 23.1), page 9, line 18, by striking out “ten” and inserting: 14

Amend Sec. 6 (Sec. 23.1), page 9, line 19, by striking out “(L)” and inserting: (k)

Amend Sec. 6 (Sec. 23.1), page 9, line 30; page 10, lines 1 through 3, by striking out all of line 30, page 9; all of lines 1 and 2 and “(N)” in line 3, page 10 and inserting: (l)

Amend Sec. 6 (Sec. 23.1), page 10, line 11, by striking out “(O)” and inserting: (m)

Amend Sec. 6 (Sec. 23.1), page 10, line 21, by striking out “(P)” and inserting: (n)

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 HOPPER.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AMENDED

HB 1139 (Pr. No. 1860) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the “Public School Code of 1949,” requiring certain prospective employees of public and private schools, intermediate units and area vocational-technical schools to submit certain records with employment applications.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 111), page 2, line 12, by striking out “SIX (6) MONTHS” and inserting: one (1) year

Amend Sec. 1 (Sec. 111), page 4, line 13, by inserting after “WHO”: wilfully

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 HOPPER.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 1250 (Pr. No. 1491) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing appropriations from the Pennsylvania Economic Revitalization Fund for the fiscal year July 1, 1985, to June 30, 1986, to the several departments of the Commonwealth authorized to spend Pennsylvania Economic Revitalization Fund moneys and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985.

Considered the second time and agreed to,

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

HB 1366 (Pr. No. 1634) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Governor for disaster relief.

Considered the second time and agreed to,

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

HB 191 CALLED UP OUT OF ORDER

HB 191 (Pr. No. 1828) — Without objection, the bill was called up out of order, from page 17 of the Second Consideration Calendar, by Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

HB 191 (Pr. No. 1828) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1, page 3, line 9, by inserting after “AS”: heretofore

Amend Sec. 1, page 3, line 12, by striking out “FOUR” and inserting: three

Amend Sec. 1, page 3, line 19, by inserting after “AS”: heretofore

Amend Sec. 1, page 3, line 27, by striking out “ANY SUCH” and inserting: Such

Amend Sec. 1, page 3, line 27, by striking out “OBTAINED” and inserting: as are necessary to repay the costs incurred in borrowing the Federal share of the projects

Amend Sec. 1, page 4, line 6, by inserting after "PROJECTS": heretofore

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 258 (Pr. No. 1778) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for retirement of electric generating units; and providing for fuel purchase audits by ratepayer petition.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER. Mr. President, I request that House Bill No. 258 go over in its order.

Senator SINGEL. Mr. President, reserving the right to object to the motion to go over House Bill No. 258, I wonder if I could make a comment.

Senator STAUFFER. Mr. President, I move that House Bill No. 258 go over in its order.

The PRESIDENT pro tempore. It has been moved by Senator Stauffer that House Bill No. 258 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator SINGEL. Mr. President, I note that House Bill No. 258, being on second consideration, if gone over today has no chance of passing finally tomorrow in the Senate. Is that an accurate portrayal of the situation? I would direct that question to the Majority Leader.

Mr. President, would the Majority Leader submit to a brief interrogation?

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

Senator STAUFFER. I will, Mr. President.

Senator SINGEL. Mr. President, if we go over this bill today, will it, in fact, appear on the Calendar for the entire summer?

Senator STAUFFER. Mr. President, I am not in a position to indicate an answer to the gentleman on that. It is an item we have not considered and have not discussed or made a decision on.

Senator SINGEL. Mr. President, can the gentleman tell me if there are any plans to prepare a Supplemental Calendar tomorrow if, in fact, we would pass this on second consideration, move it to third consideration and pass it finally?

Senator STAUFFER. Mr. President, the truth of the matter is that we have just not had the time to evaluate the bill. In dealing with the budget situation and a lot of other issues which have commanded high priority, we have not had the opportunity to sit down and make a full evaluation of this piece of legislation. I would point out to the gentleman, Mr. President, the bill is on the fourth day on the Calendar and he well knows the last four days have been days of continuous activity with regard to budget matters. I have not had a chance to read the bill.

Senator SINGEL. Mr. President, I would oppose the motion to go over House Bill No. 258 and I would ask for a roll call vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—25

Armstrong	Hess	Loeper	Shaffer
Bell	Holl	Madigan	Shumaker
Brightbill	Hopper	Moore	Stauffer
Corman	Howard	Pecora	Tilghman
Fisher	Jubelirer	Peterson	Wenger
Greenleaf	Kratzer	Rhoades	Wilt
Helfrick			

NAYS—22

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

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

The PRESIDENT pro tempore. House Bill No. 258 will go over in its order.

SB 306, HB 307, 350 and 583 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS ON SECOND CONSIDERATION

SB 602 (Pr. No. 675) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," providing for contracts for life, health, hospitalization, medical services and accident insurance for township commissioners and other officials.

Considered the second time and agreed to,

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

SB 772 (Pr. No. 887) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for the compensation of supervisors and the purchase of insurance.

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

HB 1042 CALLED UP OUT OF ORDER

HB 1042 (Pr. No. 1895) — Without objection, the bill was called up out of order, from page 11 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

HB 1042 (Pr. No. 1895) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1) providing for benefits for certain seasonal workers.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 18, by removing the period after "WORKERS" and inserting: ; further providing for the State Unemployment Compensation Advisory Council; and making repeals.

Amend Bill, page 4, by inserting between lines 16 and 17:

Section 1. Section 201(a) of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, amended July 21, 1983 (P.L.68, No.30), is amended to read:

Section 201. General Powers and Duties of Department.—
(a) It shall be the duty of the department to administer and enforce this act through such employment service and public employment offices as have been or may be constituted in accordance with the provisions of this act and existing laws. It shall have power and authority to adopt, amend, and rescind such rules and regulations, require such reports from employers, employes, the board and from any other person deemed by the department to be affected by this act, make such investigations, and take such other action as it deems necessary or suitable. Such rules and regulations shall not be inconsistent with the provisions of this act. The department shall submit to the Governor and the General Assembly a biennial report covering the administration and operation of this act and shall make such recommendations for amendments to this act as it deems proper. [The department shall also prepare and present to the Governor and the General Assembly, on or before the thirty-first day of December of each year, an actuarial evaluation of the financial operations of the unemployment compensation program, together with its findings and recommendations for developing and improving solvency of the fund and adjusting and regulating income and disbursements in the fields of contributions and benefits. Such report shall include the presentation of the current economic trends, statistics and analyses on which the evaluation is based.

This evaluation shall include all of the following:

- (1) Statistics relating to population, labor force and covered labor force.
- (2) Claims data.
- (3) Payment data.
- (4) Minimum, maximum, average weekly benefit amount and minimum earnings requirement.
- (5) Federal-State extended benefits program.
- (6) Number of nonmonetary determinations for unemployment benefits.

- (7) Experience of reimbursable and contributory employers.
- (8) Tax rates by industry, taxable payroll, total payroll and number of employers.
- (9) Disbursements from the unemployment fund.
- (10) Income of the unemployment fund.
- (11) Difference between income and disbursements of the unemployment fund.
- (12) Status of the unemployment fund.
- (13) Experience rating factors of insured employers.
- (14) Net reserve or deficit of active employer accounts.
- (15) Reserve ratio contributions received.
- (16) Benefit ratio contributions received.]

In the discharge of the duties imposed by this act, the Secretary and any agent duly authorized in writing by him shall have the power to administer oaths and affirmations, take depositions, and certify to official acts. The department shall have the power to issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary in the administration of this act.

Section 2. Section 204 of the act is repealed.

Section 3. The act is amended by adding a section to read:

Section 204.1. State Unemployment Compensation Advisory Council.—(a) There is hereby created the State Unemployment Compensation Advisory Council to be composed of nineteen members which shall consist of:

- (1) The Secretary of Labor and Industry or his designee.
- (2) The Chairman and Minority Chairman of the Senate Committee on Labor and Industry or their designees.
- (3) The Chairman and Minority Chairman of the House Committee on Labor Relations or their designees.
- (4) Fourteen individuals appointed by the Governor which shall include:

(i) Four employe representatives who shall be appointed from a list supplied by the Pennsylvania AFL-CIO.

(ii) Four employer representatives who shall be appointed from a list supplied by the Pennsylvania Chamber of Commerce.

(iii) Six individuals, of whom no more than three shall represent employers and no more than three shall represent labor organizations.

(b) Members shall be appointed for two-year terms commencing on February 1 of each odd-numbered year. Initial appointments shall be made within sixty days of final enactment of this act and shall expire on January 30, 1987.

(c) Members of the council shall receive no compensation but shall be entitled to receive an allowance for expenses incurred in the performance of their duties.

(d) The Secretary of Labor and Industry shall be the chairman of the council. The council shall meet at least four times each year.

(e) The council may, upon a majority vote, appoint an executive director and one clerical assistant, and establish their compensation, to aid the council in the performance of its functions. The compensation of such employes and the amount allowed them for traveling and other incidental expenses shall be deemed part of the expenses incurred in connection with the administration of this act.

(f) The council shall consider and advise the department upon all matters related to the administration of this act, including the formulation of policies assuring impartiality and freedom from political influence in its administration, and making studies relating to unemployment and unemployment compensation payments. Such council may recommend to the Governor and the General Assembly upon its own initiative such changes in the provisions of this act, and in the administration thereof as it deems necessary and shall make periodic reports to the Governor and the General Assembly regarding the findings of its studies and the performance of its duties and functions. The council shall have

full access to information relating to the purpose of this act, provided the department shall not be required to provide any information which would specifically identify any employer, employe or claimant.

(g) The Governor shall have the power to create such local advisory councils as the State Advisory Council may deem necessary for the efficient performance of its functions. Such local advisory councils shall be composed of an equal number of members representing employers, employes and the public and shall be appointed by the Governor.

(h) The members of local advisory councils shall serve without compensation but shall be entitled to be reimbursed out of the administration fund for all necessary expenses incurred in the discharge of their duties.

(i) The State Advisory Council upon request shall be given copies of any report made by the department to the United States Department of Labor and shall have access to any other information requested by the council, including, but not limited to:

(1) Statistics relating to population, labor force and covered labor force.

(2) Claims data.

(3) Payment data.

(4) Minimum, maximum, average weekly benefit amount and minimum earnings requirement.

(5) Federal-State extended benefits program.

(6) Number of nonmonetary determinations for unemployment benefits.

(7) Experience of reimbursable and contributory employers.

(8) Tax rates by industry, taxable payroll, total payroll and number of employers.

(9) Disbursements from the Unemployment Compensation Fund.

(10) Income of the Unemployment Compensation Fund.

(11) Difference between income and disbursements of the Unemployment Compensation Fund.

(12) Status of the Unemployment Compensation Fund.

(13) Experience rating factors of insured employers.

(14) Net reserve or deficit of active employer accounts.

(15) Reserve ratio contributions received.

(16) Benefit ratio contributions received.

At the discretion of the council, this information shall be provided on computer tape if the information is on computer tape. The department shall not be required to provide any information which would specifically identify any employer, employe or claimant.

(j) The council shall have the authority to authorize the preparation of an annual financial analysis of the Unemployment Compensation Fund and may contract with an independent actuarial firm of certified actuaries and such other consultants as may be necessary to perform such thorough annual financial analysis. The department shall supply the actuaries with all information required to perform this analysis as the actuaries may require, provided the department shall not be required to provide any information which would specifically identify any employer, employe or claimant. This analysis, if authorized, shall be completed by September 1 of each year for the previous calendar year. The analysis report shall be given to the Governor, the secretary, the State Advisory Council and the General Assembly and shall be made available to the public. The analysis shall include, but not be limited to, the following:

(1) The solvency of the fund.

(2) The effect upon the fund of:

(i) changes in State and Federal law;

(ii) State and Federal court decisions; or

(iii) the State and national economic situation.

(3) A three-year projection of the condition of the fund.

(k) The department shall also prepare and present to the Governor and the General Assembly, on or before the first day of

March of each year, an evaluation of the financial operations of the unemployment compensation program, together with its findings and recommendations for developing and improving solvency of the fund and adjusting and regulating income and disbursements in the fields of contributions and benefits. Such report shall include the presentation of the current economic trends, statistics and analyses on which the evaluation is based. This evaluation shall include all of the following:

(1) Statistics relating to population, labor force and covered labor force.

(2) Claims data.

(3) Payment data.

(4) Minimum, maximum, average weekly benefit amount and minimum earnings requirement.

(5) Federal-State extended benefits program.

(6) Number of nonmonetary determinations for unemployment benefits.

(7) Experience of reimbursable and contributory employers.

(8) Tax rates by industry, taxable payroll, total payroll and number of employers.

(9) Disbursements from the unemployment fund.

(10) Income of the unemployment fund.

(11) Difference between income and disbursements of the unemployment fund.

(12) Status of the unemployment fund.

(13) Experience rating factors of insured employers.

(14) Net reserve or deficit of active employer accounts.

(15) Reserve ratio contributions received.

(16) Benefit ratio contributions received.

Section 4. Section 211 of the act is repealed.

Section 5. Section 301.6 of the act, added July 21, 1983 (P.L.68, No.30), is amended to read:

Section 301.6. Additional Contribution for Interest.—
(a) Notwithstanding any other provision of this act, all employers required to pay contributions under section 301 or 301.1 other than those employers covered by paragraphs (3) and (4) of subsection (a) of section 301 shall have their rate of contribution increased by the rate of the Interest Factor in effect for the applicable calendar year.

(b) All taxes collected under this section shall be considered to be separate and apart from any contributions required to be deposited in the Unemployment Compensation Fund. All taxes collected under this section shall be deposited in the Interest Fund established by section 601.2 of this act. Such taxes will not be credited to the employer's reserve account.

(c) The Interest Factor calculated on wages with regard to the limitations specified in section 4(x)(1) shall be equal to twenty-five hundredths of one per centum (0.25%) for calendar year 1984, five-tenths of one per centum (0.5%) for calendar year 1985, and [one per centum (1.0%)] three-tenths of one per centum (0.3%) for calendar year 1986. Thereafter the Interest Factor shall be a variable rate not to exceed one per centum (1.0%) to be determined annually by the department at a rate necessary to pay the interest on outstanding interest-bearing advances under Title XII of the Social Security Act for the following calendar year. [No interest factor shall be required for any year following the year in which the amount of such interest-bearing advances is reduced to zero.] No interest factor shall be required for the year following any year in which the amount of such interest-bearing advances has been reduced to zero, provided that an interest tax shall be required and shall be reimposed by the department for the calendar year following any year in which an interest-bearing advance remains outstanding on October 1 and there are not sufficient funds in the interest fund to pay the interest due in that year.

Amend Sec. 1, page 4, line 17, by striking out "1" and inserting: 6

Amend Sec. 1, page 4, lines 17 and 18, by striking out "OF DECEMBER 5, 1936 (2ND SP.SESS., 1937 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW,"

Amend Bill, page 7, lines 24 through 26, by striking out all of said lines and inserting:

Section 7. Initial appointments to the State Unemployment Compensation Advisory Council shall be made within 60 days of the effective date of this act. The initial meeting of the council shall be called by the Secretary of Labor and Industry and shall occur within 90 days of the effective date of this act.

Section 8. Section 402.5 of the act shall apply to benefit years commencing on and after June 30, 1985.

Section 9. (a) Sections 1, 2, 3, 4 and 7 of this act shall take effect immediately.

(b) The remainder of this act shall take effect in 60 days.

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 STAUFFER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the return to the floor of Senator Bell and his legislative leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

SB 967 CALLED UP OUT OF ORDER

SB 967 (Pr. No. 1163) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator STAUFFER.

NONPREFERRED APPROPRIATION BILL RECOMMITTED

SB 967 (Pr. No. 1163) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "Temple University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

THIRD CONSIDERATION CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILLS RECOMMITTED

SB 968 (Pr. No. 1164) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "Lincoln University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 969 (Pr. No. 1165) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 970 (Pr. No. 1166) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann Medical College and Hospital, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 971 (Pr. No. 1167) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 972 (Pr. No. 1168) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 973 (Pr. No. 1169) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 974 (Pr. No. 1170) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 975 (Pr. No. 1171) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 976 (Pr. No. 1172) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 977 (Pr. No. 1173) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Textiles and Science.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 978 (Pr. No. 1174) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 979 (Pr. No. 1175) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 980 (Pr. No. 1176) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 981 (Pr. No. 1177) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 982 (Pr. No. 1178) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 983 (Pr. No. 1179) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 984 (Pr. No. 1180) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 985 (Pr. No. 1181) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 986 (Pr. No. 1182) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 987 (Pr. No. 1183) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Wistar Institute-Research, Philadelphia.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 988 (Pr. No. 1184) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 989 (Pr. No. 1185) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 990 (Pr. No. 1186) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to St. Christopher's Hospital, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 991 (Pr. No. 1187) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 992 (Pr. No. 1188) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 993 (Pr. No. 1189) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital, Philadelphia, for a comprehensive program relating to Tay-Sachs disease.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 994 (Pr. No. 1190) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 995 (Pr. No. 1191) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 996 (Pr. No. 1192) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 997 (Pr. No. 1193) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 998 (Pr. No. 1194) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 999 (Pr. No. 1195) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the Buhl Science Center.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 1000 (Pr. No. 1196) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 1001 (Pr. No. 1197) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to Thomas Jefferson University of Philadelphia, Pennsylvania, for the Children's Heart Hospital, Philadelphia, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 1002 (Pr. No. 1198) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 1003 (Pr. No. 1199) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 1004 (Pr. No. 1200) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the Western Psychiatric Institute and Clinic.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 1005 (Pr. No. 1201) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 1009 (Pr. No. 1213) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of Pittsburgh for the operation of the Falk Clinic.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 965 CALLED UP OUT OF ORDER

SB 965 (Pr. No. 1161) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator STAUFFER.

NONPREFERRED APPROPRIATION BILL
RECOMMITTED

SB 965 (Pr. No. 1161) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 966 CALLED UP OUT OF ORDER

SB 966 (Pr. No. 1162) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator STAUFFER.

NONPREFERRED APPROPRIATION BILL
RECOMMITTED

SB 966 (Pr. No. 1162) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "University of Pittsburgh—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Appropriations.

SB 872 CALLED UP OUT OF ORDER

SB 872 (Pr. No. 1098) — Without objection, the bill was called up out of order, from page 18 of the Second Consideration Calendar, by Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

SB 872 (Pr. No. 1098) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 24, 1963 (P. L. 1132, No. 484), entitled "Community College Act of 1963," further providing for payments by the Commonwealth.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Bill, page 4, by inserting between lines 9 and 10:

Section 2. This act shall be retroactive to July 1, 1985.

Amend Sec. 2, page 4, line 10, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

SECOND CONSIDERATION CALENDAR RESUMED
BILLS ON SECOND CONSIDERATION

SB 901 (Pr. No. 1232) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," providing that a plat for land abutting a State highway shall not be approved until a highway occupancy permit is issued or it is determined that none is required.

Considered the second time and agreed to,

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

SB 902 (Pr. No. 1233) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1976 (P. L. 919, No. 170), entitled "An act providing for the approval or disapproval of applications for a permit relating to the construction or maintenance of improvements to real estate," providing that a permit shall not be issued unless a highway occupancy permit is obtained in certain cases.

Considered the second time and agreed to,

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

SB 933 (Pr. No. 1242) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing that persons convicted of driving under the influence or related charge be ordered to pay certain costs relating to blood testing.

Considered the second time and agreed to,

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

SENATE RESOLUTION NO. 54,
CALLED UP

Senator STAUFFER, without objection, called up from page 19 of the Calendar, **Senate Resolution No. 54**, entitled:

A Resolution urging the Governor to proclaim the week of October 6 to October 12, 1985, as "Minority Enterprise Development Week."

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 54, ADOPTED

Senator STAUFFER. Mr. President, I move that the Senate do adopt Senate Resolution No. 54.

The motion was agreed to and the resolution was adopted.

RECESS

Senator ZEMPRELLI. Mr. President, in the form of an announcement, I would request that the Democratic Members of the Senate convene for a very short information point in the Minority caucus room.

The PRESIDENT pro tempore. Senator Zemprelli has requested that all Members of the Democratic caucus report to the caucus room at the rear of the Senate Chamber for a brief caucus while we are in recess.

Senator STAUFFER. Mr. President, I would ask the Republican Members to also report to the Rules Committee room for, also, a very brief caucus.

The PRESIDENT pro tempore. Senator Stauffer has made the same request for the Republican Members to report to the Rules Committee room immediately. The Senate will stand in recess for those purposes.

AFTER RECESS

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

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.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE ENVIRONMENTAL HEARING BOARD

May 20, 1985.

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 Maxine M. Woelfling, 117 Maple Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve until June 20, 1989, or until her successor shall have been appointed and qualified, vice Anthony J. Mazullo, Jr., Doylestown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

May 6, 1985.

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 Bettie Alden Ford, 603 West Street, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Frank Thompson, Hartstown, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—47

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 585**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 588**, with the information the House has passed the same without amendments.

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

BILLS SIGNED

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

SB 588 and **HB 585**.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 136**

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators STAUFFER, HOWARD and EARLY as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 136.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 652**

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators TILGHMAN, STAUFFER and FUMO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 652.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 653**

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators TILGHMAN, STAUFFER and FUMO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 653.

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

RECESS

Senator STAUFFER. Mr. President, at this time I request a recess of the Senate until 9:30 p.m.

The PRESIDING OFFICER. Senator Stauffer has requested a recess of the Senate until 9:30 p.m. Are there any objections to the request? The Chair sees none. The Senate will stand in recess until 9:30 p.m.

AFTER RECESS

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

SUPPLEMENTAL CALENDAR NO. 1

**THIRD CONSIDERATION CALENDAR
BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 285 (Pr. No. 1953) — The Senate proceeded to consideration of the bill, entitled:

An Act creating a special fund in the Treasury Department for the use in attracting major industry into this Commonwealth; establishing a procedure for the appropriation and use of moneys in the fund; establishing the Tax Stabilization Reserve Fund; and providing for expenditures from such account.

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—47

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

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.

SUPPLEMENTAL CALENDAR NO. 2**THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION AMENDED**

HB 1042 (Pr. No. 1958) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1) providing for benefits for certain seasonal workers; further providing for the State Unemployment Compensation Advisory Council; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 39, by inserting after "WORKERS;": providing a reduction in the Unemployment Compensation Interest Fund tax;

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 STAUFFER.

UNFINISHED BUSINESS REPORTS FROM COMMITTEE

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

HB 171 (Pr. No. 1960) (Amended) (Rereported)

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," increasing eligibility under the property tax or rent rebate and inflation dividend; and further providing for the allowable percentage of real property tax or rent rebate.

HB 1251 (Pr. No. 1961) (Amended) (Rereported)

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

HB 1252 (Pr. No. 1962) (Amended) (Rereported)

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), known as the "University of Pittsburgh—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

HB 1253 (Pr. No. 1963) (Amended) (Rereported)

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), known as the "Temple University—Commonwealth Act," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing for a method of accounting for the funds appropriated.

HB 1254 (Pr. No. 1964) (Amended) (Rereported)

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures

from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

HB 1255 (Pr. No. 1965) (Amended) (Rereported)

An Act making appropriations to the Trustees of the University of Pennsylvania.

HB 1256 (Pr. No. 1966) (Amended) (Rereported)

An Act making appropriations to the Hahnemann Medical College and Hospital, Philadelphia, Pennsylvania.

HB 1257 (Pr. No. 1967) (Amended) (Rereported)

An Act making appropriations to the Thomas Jefferson University, Philadelphia, Pennsylvania.

HB 1258 (Pr. No. 1968) (Amended) (Rereported)

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

HB 1259 (Pr. No. 1969) (Amended) (Rereported)

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

HB 1260 (Pr. No. 1970) (Amended) (Rereported)

An Act making an appropriation to the Trustees of Drexel University, Philadelphia, Pennsylvania.

HB 1261 (Pr. No. 1971) (Amended) (Rereported)

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

HB 1262 (Pr. No. 1972) (Amended) (Rereported)

An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

HB 1263 (Pr. No. 1973) (Amended) (Rereported)

An Act making an appropriation to the Philadelphia College of Textiles and Science.

HB 1264 (Pr. No. 1974) (Amended) (Rereported)

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

HB 1265 (Pr. No. 1975) (Amended) (Rereported)

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

HB 1266 (Pr. No. 1976) (Amended) (Rereported)

An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

HB 1267 (Pr. No. 1977) (Amended) (Rereported)

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

HB 1268 (Pr. No. 1978) (Amended) (Rereported)

An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania.

HB 1269 (Pr. No. 1979) (Amended) (Rereported)

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

HB 1270 (Pr. No. 1980) (Amended) (Rereported)

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

HB 1271 (Pr. No. 1512) (Rereported)

An Act making an appropriation to the Central Penn Oncology Group.

HB 1272 (Pr. No. 1662) (Rereported)

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

HB 1273 (Pr. No. 1514) (Rereported)

An Act making an appropriation to the Wistar Institute-Research, Philadelphia.

HB 1274 (Pr. No. 1981) (Amended) (Rereported)

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

HB 1275 (Pr. No. 1982) (Amended) (Rereported)

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

HB 1276 (Pr. No. 1517) (Rereported)

An Act making appropriations to St. Christopher's Hospital, Philadelphia, Pennsylvania.

HB 1277 (Pr. No. 1518) (Rereported)

An Act making an appropriation to the Lancaster Cleft Palate.

HB 1278 (Pr. No. 1519) (Rereported)

An Act making an appropriation to the Pittsburgh Cleft Palate.

HB 1279 (Pr. No. 1520) (Rereported)

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

HB 1280 (Pr. No. 1663) (Rereported)

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

HB 1281 (Pr. No. 1983) (Amended) (Rereported)

An Act making appropriations to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum and Morris Arboretum.

HB 1282 (Pr. No. 1523) (Rereported)

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

HB 1283 (Pr. No. 1524) (Rereported)

An Act making an appropriation to the Franklin Institute Science Museum.

HB 1284 (Pr. No. 1525) (Rereported)

An Act making an appropriation to the Academy of Natural Sciences.

HB 1285 (Pr. No. 1526) (Rereported)

An Act making an appropriation to the Trustees of the Buhl Science Center.

HB 1286 (Pr. No. 1527) (Rereported)

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

HB 1287 (Pr. No. 1528) (Rereported)

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

HB 1288 (Pr. No. 1664) (Rereported)

An Act making an appropriation to the Everhart Museum in Scranton.

HB 1290 (Pr. No. 1531) (Rereported)

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

HB 1291 (Pr. No. 1532) (Rereported)

An Act making an appropriation to the Arsenal Family and Children's Center.

HB 1292 (Pr. No. 1533) (Rereported)

An Act making an appropriation to the Trustees of the University of Pittsburgh for the Western Psychiatric Institute and Clinic.

HB 1293 (Pr. No. 1665) (Rereported)

An Act making an appropriation to the Beacon Lodge Camp.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to North Penn Chamber of Commerce by Senator Holl.

Congratulations of the Senate were extended to Dr. and Mrs. Louis Latimer by Senator Mellow.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, JUNE 28, 1985

10:30 A.M. BANKING AND INSURANCE Room 461,
(Recessed meeting to con- 4th Floor
sider Senate Bill No. 745) Conference Rm.,
North Wing

off the floor
 RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 52 and certain Executive Nominations)
 Rules Committee
 Conference Rm.

TUESDAY, JULY 2, 1985

10:00 A.M. URBAN AFFAIRS AND HOUSING (authorizing the use of subpoena power)
 Room 461,
 4th Floor
 Conference Rm.,
 North Wing

WEDNESDAY, JULY 3, 1985

2:00 P.M. Independent Regulatory Review Commission
 Heritage Rm. A,
 333 Market St.

THURSDAY, JULY 18, 1985

2:00 P.M. Independent Regulatory Review Commission
 Heritage Rm. A,
 333 Market St.

RECESS

Senator STAUFFER. Mr. President, at this time I would ask that the Senate stand in recess to the call of the Chair. For the benefit of the Members, I would expect that recess would probably last no longer than fifteen minutes or so.

The PRESIDING OFFICER. At the request of Senator Stauffer, without objection, the Senate will stand in recess for fifteen minutes.

AFTER RECESS

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

SUPPLEMENTAL CALENDAR NO. 3

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1042 (Pr. No. 1984) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1) providing for benefits for certain seasonal workers; providing a reduction in the Unemployment Compensation Interest Fund tax; further providing for the State Unemployment Compensation Advisory Council; and making repeals.

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

On the question,
 Shall the bill pass finally?

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

YEAS—47

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

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.

ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Friday, June 28, 1985, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 10:30 p.m., Eastern Daylight Saving Time.