

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 19, 1985

SESSION OF 1985 169TH OF THE GENERAL ASSEMBLY

No. 72

SENATE

TUESDAY, November 19, 1985.

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

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

PRAYER

The Chaplain, the Reverend BARBARA L. KERSHNER, Pastor of St. Luke's United Church of Christ, Reading, offered the following prayer:

O God, in these days of the Geneva summit talks, we pray for peace.

For peace between the United States and the Soviet Union.

For an end to the hostilities which plague too many of the nations of this world.

We pray for all leaders in government that they may be just and creative in the power entrusted to them.

Help us all to build bridges rather than fences.

And give us peace. 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 November 18, 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 request a temporary Capitol leave for Senator Howard.

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Romanelli.

The PRESIDENT pro tempore. Senator Mellow has requested a temporary Capitol leave for Senator Romanelli. The Chair hears no objection. That leave will be granted.

Senator MELLOW. Mr. President, we also need a temporary Capitol leave for Senator Zemprelli.

The PRESIDENT pro tempore. Senator Mellow wishes to request a temporary Capitol leave for Senator Zemprelli. The Chair hears no objection. That leave will be granted.

LEAVE OF ABSENCE

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

November 19, 1985

HB 1196, 1670 and 1672 — Committee on Finance.

HB 1506 — Committee on Transportation.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

November 18, 1985

Senator SCANLON presented to the Chair **SB 1216**, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," returning State Highway Route 02003 in Allegheny County to the State highway system; and repealing authority for its conveyance.

Which was committed to the Committee on TRANSPORTATION, November 18, 1985.

Senators MELLOW, MADIGAN, MOORE, MUSTO, ANDREZESKI and HELFRICK presented to the Chair **SB 1217**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the nonexclusion of insurance benefits for insureds who are under the influence at the time of an accident.

Which was committed to the Committee on BANKING AND INSURANCE, November 18, 1985.

Senators ROMANELLI, BODACK and JONES presented to the Chair **SB 1218**, entitled:

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," providing for election district amendments.

Which was committed to the Committee on LOCAL GOVERNMENT, November 18, 1985.

Senators STAPLETON and MOORE presented to the Chair **SB 1219**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for exemptions from the realty transfer tax.

Which was committed to the Committee on FINANCE, November 18, 1985.

Senators STAPLETON and MOORE presented to the Chair **SB 1220**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," excluding from the authority to levy realty transfer taxes transfers to certain non-profit associations or corporations organized for the purposes of holding title to property and collecting income therefrom.

Which was committed to the Committee on FINANCE, November 18, 1985.

Senators STAPLETON and MOORE presented to the Chair **SB 1221**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further defining the term "document" for realty transfer tax purposes.

Which was committed to the Committee on FINANCE, November 18, 1985.

Senator FISHER presented to the Chair **SB 1222**, entitled:

An Act amending the act of April 6, 1956 (1955 P. L. 1414, No. 465), entitled, as amended, "Second Class County Port Authority," further providing for labor relations; and making repeals.

Which was committed to the Committee on LABOR AND INDUSTRY, November 18, 1985.

Senator HELFRICK presented to the Chair **SB 1223**, entitled:

An Act designating a certain bridge crossing the Susquehanna River as the Veterans Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, November 18, 1985.

Senators FUMO, REIBMAN, JONES, ROMANELLI, ZEMPRELLI, SINGEL, LEWIS, ROCKS, MELLOW, LINCOLN and STAPLETON presented to the Chair **SB 1224**, entitled:

An Act authorizing energy conservation and assistance programs and providing for their administration; establishing the Energy Conservation and Assistance Trust Fund and providing for its priorities; and making appropriations.

Which was committed to the Committee on APPROPRIATIONS, November 18, 1985.

Senators FUMO, JONES, ZEMPRELLI and SINGEL presented to the Chair **SB 1225**, entitled:

An Act providing for the loan of funds from the Pennsylvania Economic Revitalization Fund to the Energy Conservation and Assistance Trust Fund under certain circumstances; providing for the conditions of such loans and their repayment; and providing for an appropriation for the General Fund and reimbursement to the General Fund of the amount appropriated.

Which was committed to the Committee on APPROPRIATIONS, November 18, 1985.

Senators ROCKS, HELFRICK, SALVATORE and LEWIS presented to the Chair **SB 1226**, entitled:

An Act prohibiting the use of polygraph and similar tests by employers; providing further duties of the Department of Labor and Industry; providing for civil remedies and penalties; and making repeals.

Which was committed to the Committee on LABOR AND INDUSTRY, November 18, 1985.

Senators ZEMPRELLI, SALVATORE, SCANLON, HOLL, ANDREZESKI and HELFRICK presented to the Chair **SB 1227**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the powers of the president judge and for the appointment of personnel.

Which was committed to the Committee on JUDICIARY, November 18, 1985.

Senators WILT and WILLIAMS presented to the Chair **SB 1228**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the payment of public assistance funds through electronic transfers.

Which was committed to the Committee on FINANCE, November 18, 1985.

Senators GREENLEAF, SHAFFER and FISHER presented to the Chair **SB 1229**, entitled:

An Act regulating private prisons; providing for contracts with, licensing of and employee status for private prisons; and imposing powers and duties on the Department of Corrections.

Which was committed to the Committee on JUDICIARY, November 18, 1985.

Senator SHUMAKER presented to the Chair **SB 1230**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for wine-based beverages and malt-based beverages.

Which was committed to the Committee on LAW AND JUSTICE, November 18, 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:

November 19, 1985

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY THE MENTAL HEALTH LAWS AND THE MENTAL HEALTH SYSTEM OF THIS COMMONWEALTH

Senators LOEPER, JUBELIRER and BELL offered the following resolution (**Senate Concurrent Resolution No. 108**),

which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 19, 1985.

A CONCURRENT RESOLUTION

Directing the Joint State Government Commission to study the Mental Health Laws and the Mental Health System of this Commonwealth.

WHEREAS, On October 30, 1985, an individual allegedly committed shootings at Springfield Mall, Delaware County, which resulted in the deaths of two individuals and the wounding of seven others; and

WHEREAS, This individual had been institutionalized pursuant to the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, on twelve separate occasions during the past ten years; and

WHEREAS, On at least two other occasions, this individual allegedly committed other acts of violence; and

WHEREAS, Incidents like this have occurred before, not only in Pennsylvania but throughout the United States; and

WHEREAS, The Commonwealth of Pennsylvania funds programs to serve the mentally ill and operates facilities to treat such persons; and

WHEREAS, The Mental Health Procedures Act was enacted in 1976 and has not had a comprehensive review to date; and

WHEREAS, The General Assembly has numerous bills before it which would amend this act; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly direct the Joint State Government Commission to undertake a comprehensive review of the Mental Health Procedures Act and the Mental Health System in this Commonwealth; and be it further

RESOLVED, That to accomplish this goal, a Task Force be created comprised of three members of the Senate, two from the majority party and one from the minority party, to be appointed by the President pro tempore of the Senate and three members of the House of Representatives, two from the majority party and one from the minority party, to be appointed by the Speaker of the House of Representatives; and be it further

RESOLVED, That an Advisory Committee be created to assist the Task Force and that the following persons be on the Advisory Committee:

- (1) Attorney General.
- (2) Secretary of Health.
- (3) Secretary of Public Welfare.
- (4) Other individuals as deemed appropriate by the Task

Force;
and be it further

RESOLVED, That the Task Force may hold hearings, take testimony and make its investigations at such places as it deems necessary in this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the Task Force prepare a report containing its findings and if appropriate, propose necessary corrective legislation, and deliver such report to each House of the General Assembly upon the conclusion of its study.

MEMORIALIZING THE PENNSYLVANIA TURNPIKE COMMISSION TO RAISE THE SPEED LIMIT

Senator BELL offered the following resolution (Senate Concurrent Resolution No. 109), which was read and referred to the Committee on Transportation:

In the Senate, November 19, 1985.

A CONCURRENT RESOLUTION

Memorializing the Pennsylvania Turnpike Commission to raise the speed limit.

WHEREAS, The Pennsylvania Turnpike was designed as a high-speed highway; and

WHEREAS, After World War II, the maximum speed was raised from 35 m.p.h. to 70 m.p.h. and later reduced to 65 m.p.h. to conform to other Interstate Highway speeds; and

WHEREAS, The present 55 m.p.h. limit was set in response to a fuel shortage emergency; and

WHEREAS, The fuel emergency, like World War II, is over, and the Turnpike should once again be used as a high-speed highway; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly memorialize the Pennsylvania Turnpike Commission to raise the maximum speed limit on the Pennsylvania Turnpike to 65 m.p.h.; and be it further

RESOLVED, That a copy of this resolution be sent to the Pennsylvania Turnpike Commission.

LISTS OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

November 19, 1985

To the Honorable, the Senate of the
Commonwealth of Pennsylvania
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from October 29, 1985 through November 18, 1985 inclusive for the 169th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary of the Senate

JOHN J. ZUBECK
Chief Clerk
House of Representatives

(See Appendix for complete list.)

REPORTS FROM COMMITTEES

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

SB 735 (Pr. No. 843)

An Act providing for the clear disclosure of prices for grocery items; imposing duties on the Bureau of Consumer Protection; and providing for civil penalties.

SB 1208 (Pr. No. 1599) (Amended)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for professional and occupational affairs.

HB 1635 (Pr. No. 2087)

An Act amending the act of December 21, 1984 (P. L. 1270, No. 241), entitled "An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further defining the term 'public utility'; and providing for the conversion of generating units from oil or gas to coal and for the recovery of conversion costs, for the approval of the construction of generating units fueled by nuclear energy, oil or natural gas and for the financing of energy supply alternatives," extending provisions relating to mobile domestic cellular radio telecommunications service for an additional period of time.

Senator SHUMAKER, from the Committee on Law and Justice, reported the following bill:

SB 1178 (Pr. No. 1591) (Amended)

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," reestablishing and renaming the Pennsylvania Liquor Control Board; establishing the Bureau of Consumer Relations; providing powers and duties of the Office of Administrative Law Judge, the Office of Attorney General and law enforcement agencies; adding certain definitions; providing for review of liquor regulations, for statements of licensing policies, for special occasion permits for volunteer ambulance companies, volunteer rescue companies and women's auxiliaries, for wine-based beverages, for manufacturers' records of sales in each county, for revocation of licenses for tax delinquency, for point-of-sale advertising, and for the revocation of a license for unlawful possession or transportation of liquor or alcohol; further providing for the appointment and compensation of board members, for audits, for restrictions on employee outside employment, for store hours, for sales by stores and licensees, for rebates and for disposition of money in the Liquor License Fund; prohibiting pornography and obscene material on licensed premises; prohibiting unlawful advertising; providing for civil and criminal penalties; and making appropriations.

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

SB 1058 (Pr. No. 1592) (Amended)

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

SB 1081 (Pr. No. 1330)

An Act amending the act of February 17, 1906 (P. L. 45, No. 11), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," further providing for the time of the quarterly reports.

SB 1194 (Pr. No. 1537)

An Act relating to the enforcement of liquid fuels and fuel use taxes; and making repeals.

Senator HESS, from the Committee on Education, reported the following bills:

SB 1012 (Pr. No. 1595) (Amended)

An Act providing for the creation of a Statewide program to support and guide public schools in this Commonwealth in the establishment of extended school day care programs for latchkey children; defining eligibility; further providing for the powers and duties of the Department of Public Welfare; and making an appropriation.

HB 209 (Pr. No. 2493) (Amended)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," requiring instruction relating to the cause and prevention of drug and alcohol abuse; and permitting the employment of a certified addiction counselor by school districts.

HB 971 (Pr. No. 2494) (Amended)

An Act requiring the disclosure of gifts to institutions of higher education made by foreign governments, foreign legal entities and foreign persons.

RESOLUTION REPORTED FROM COMMITTEE

Senator SHUMAKER, from the Committee on Law and Justice, reported the following resolution:

SR 101 (Pr. No. 1507)

A Concurrent Resolution requesting the Federal Government to develop a solution to the national liquor price affirmation policy.

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

CALENDAR**SPECIAL ORDER OF BUSINESS****SB 1140 CALLED UP OUT OF ORDER**

SB 1140 (Pr. No. 1589) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1140 (Pr. No. 1589) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing for possession, manufacture or distribution of designer drugs; and providing a penalty.

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?

LEGISLATIVE LEAVE CANCELLED

Senator ROMANELLI. Mr. President, I would like the record to show that I have returned to the floor and my leave will be cancelled, please.

The PRESIDENT pro tempore. The Chair is pleased to welcome back Senator Romanelli.

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—48

Andrezeski	Hess	Madigan	Salvatore
Armstrong	Holl	Mellow	Scanlon
Bell	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

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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Howard. His temporary Capitol leave will be cancelled.

REQUEST FOR RECESS

Senator STAUFFER. Mr. President, at this time I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held immediately upon the declaration of the recess, followed by a Republican caucus which I would expect to convene at 2:45 p.m., with the expectation of returning to the floor in about an hour.

Senator LINCOLN. Mr. President, I would ask the Democratic Members of the Senate to report to caucus at 2:45 p.m. on the conclusion of the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT pro tempore. Before we recess, the Chair is pleased to recognize the lady from Philadelphia, Senator Jones, who has an introduction.

**GUEST OF SENATOR ROXANNE H. JONES
PRESENTED TO SENATE**

Senator JONES. Mr. President, I appreciate the opportunity to introduce a friend of my legislative aide who is here in the United States as her guest from Rome, Italy, Mr. Riccardo Duranti. Mr. Duranti has been teaching a course at Columbia University in New York and is here today visiting the Capitol and Mr. and Mrs. Yorkievtz. I thank you for the opportunity to introduce him to the Senate.

The PRESIDENT pro tempore. Would the guest of Senator Jones please rise so the Senate may give their usual warm welcome to our visitor.

(Applause.)

RECESS

The PRESIDENT pro tempore. The Majority and Minority Leaders have both requested that the Senate recess for the purpose of, first, a meeting of the Committee on Rules and Executive Nominations to meet immediately in the Rules Committee room at the rear of the Senate Chamber and then for the respective caucuses to be held in the Democratic and Republican caucus rooms. For those purposes, the Senate will stand in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER TEMPORARILY**

SB 1204 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILLS OVER IN ORDER

HB 204 and 316 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 335 (Pr. No. 1549) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), entitled, as amended, "Parking Authority Law," empowering the authority to auction abandoned vehicles; and making a repeal.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hess	Madigan	Salvatore
Armstrong	Holl	Mellow	Scanlon
Bell	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

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.

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

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, I would request temporary Capitol leaves for Senator Moore and Senator Jubelirer, both of whom have been called from the floor.

The **PRESIDING OFFICER**. Without objection, those leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

The **PRESIDING OFFICER**. The Chair notes the presence of Senator Zemprelli on the floor.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AMENDED

HB 597 (Pr. No. 1772) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," increasing the salary of county officers holding two or more offices.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Bill, page 1, by inserting between lines 8 and 9:

Section 1. Section 2 of the act of November 1, 1971 (P.L.495, No.113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," reenacted and amended October 7, 1976 (P.L.1101, No.223) and amended November 1, 1979 (P.L.246, No.82), is amended to read:

Section 2. The annual salaries of sheriffs shall be as follows:
January 1, 1980

(1) Counties of the second class.....	\$27,000	\$30,000
(2) Counties of the second class A.....	23,500	26,500
(3) Counties of the third class.....	20,500	23,500
(4) Counties of the fourth class.....	18,500	21,500
(5) Counties of the fifth		

class.....	16,000	19,000
(6) Counties of the sixth class.....	14,000	17,000
(7) Counties of the seventh class.....	12,500	15,500
(8) Counties of the eighth class.....	11,000	14,000

In those classes of counties in which the sheriff also acts as a warden, the county commissioners may, at their discretion, compensate such sheriff-warden an additional two thousand dollars (\$2,000) for holding said dual positions. The periodic salary increases provided for in section 10.1 of this act shall be applicable to this section.

Amend Sec. 1, page 1, line 9, by striking out "1" and inserting:
2

Amend Sec. 1, page 1, lines 9 through 14, by striking out "of November 1, 1971" in line 9, all of lines 10 through 13 and "reenacted and amended October 7, 1976 (P.L.1101, No.223)," in line 14

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

Amend Sec. 3, page 2, line 8, by striking out "3" and inserting:
4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER

HB 807 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1040 (Pr. No. 1288) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," providing for cease and desist orders and summary cease and desist orders; increasing the statute of limitations for securities fraud; and further providing for the denial, suspension and revocation of registration of broker-dealers, agents and investment advisers.

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—48

Andrezeski	Hess	Madigan	Salvatore
Armstrong	Holl	Mellow	Scanlon
Bell	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

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.

LEGISLATIVE LEAVE

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

The PRESIDING OFFICER. The Chair notes the request of Senator Lincoln for a temporary Capitol leave for Senator Ross who has been called from the floor. Are there any objections to that Capitol leave? The Chair sees none. That leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1086 (Pr. No. 2279) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the movement of certain devices while under manufacture.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 3, by removing the period after "manufacture" and inserting: and for parking spaces for the handicapped.

Amend Bill, page 1, by inserting between lines 15 and 16:

Section 2. Title 75 is amended by adding a section to read:

§ 3355. Spaces in parking lots for handicapped persons.

In each parking lot which is owned or operated by the Commonwealth or which is privately owned and operated and which contains space for 50 or more motor vehicles, one parking space shall be designated for each 50 parking spaces for parking limited only for use by handicapped persons.

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

Amend Sec. 3, page 2, line 10, by striking out "3" and inserting: 4

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

On the question,

Will the Senate agree to the amendment?

Senator ANDREZESKI. Mr. President, this amendment would amend the Vehicle Code, Title 75, by creating a section for spaces in parking lots for handicapped persons. I quote

from the amendment, "In each parking lot which is owned or operated by the Commonwealth or which is privately owned and operated and which contains space for 50 or more motor vehicles, one parking space shall be designated for each 50 parking spaces for parking limited only for use by handicapped persons."

Mr. President, requiring one parking space per fifty for handicapped persons may sound on one hand like something insignificant. Considering, however, the unique needs of the handicapped, what may seem trivial to others is very vital to them. It is important that we as Legislators continue to further any effort to provide whatever is necessary to alleviate the burden that handicaps bring to thousands of people in our state. These people need a special voice in government, special because of their unique needs as our constituents. Although these needs are unique, they are nonetheless equally as important if we are to represent our constituencies both collectively and individually.

By adopting this amendment, we can initiate a message to create an awareness among people of how much these spaces mean as a necessity, not a luxury. I would ask my colleagues for their support of this amendment.

Senator STAUFFER. Mr. President, I would ask for a negative vote on the amendment. I would point out to the Members that this is an issue we have considered in the form of an amendment on previous occasions. I would further point out that, obviously, it is very desirable to provide parking for handicapped people, and we certainly encourage that and we would do that. However, the gentleman's amendment is drafted very narrowly to say that every single parking lot that has fifty or more spaces must have these special parking spaces. I think we have to recognize that there are some situations where you have parking lots with assigned parking where it is not possible or very, very impractical or unnecessary to provide those special spaces. I might, for the benefit of the Members of the Senate, illustrate that with the plaza in front of the Capitol itself as one illustration which is a parking lot in the definition of a parking lot and, yet, because you have designated parking and we do not have handicapped people who are involved in that situation, there is no necessity to take a space and reserve it in that situation.

You also have the situation where there are special parking lots that are somewhat very distant from the facility which they serve. In assigning parking places, it is obviously customary to give the closer parking spaces to those who are handicapped or feeble and to give the more gregarious among us the parking spaces that would be in the more distant lots. I do not think this has been totally thought out, and it is a subject that is far different from that which we are dealing with in the substance of House Bill No. 1086. For that reason, I would ask for a negative vote.

Senator ANDREZESKI. Mr. President, I am glad no one in this Chamber took offense to the Majority Leader's comment that the closer parking spaces are usually given to those who are handicapped and feeble, being that we all park very close to this building. But I would like to comment on the fact that

this amendment is not drafted in any narrow sense, it is a very broadly drafted amendment. Handicapped people have a need to gain access in any place. The fact that we have also put a handicap lift at the front door of the House side does show that handicapped people even use the Capitol building.

Mr. President, I would like to address to my colleagues the fact that this amendment is an amendment of attitude. I do not think it should be construed as an amendment on any party lines, but it is an amendment of attitude. Some of the attitudes we have in this state for the handicapped seem to be going contrary to what we spent twenty years building up. Recently, we had the Administration come out with a program to fire the handicapped instead of hire the handicapped, and in the Department of Transportation we went through a period of negotiations where most of that was taken care of. I would like to point out that this amendment simply allows handicapped people access. We have lift buses. They spend extra thousands upon thousands of dollars to have lift buses for the handicapped. We have programs to provide money in taxpayer dollars to subsidize handicapped programs. There are a lot of handicapped people who would rather take their car and go some place. This allows them to have, at least, in general, an assigned parking space in parking lots.

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

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

YEAS—22

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

NAYS—26

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

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was 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—48

Andrezeski	Hess	Madigan	Salvatore
Armstrong	Holl	Mellow	Scanlon
Bell	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

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.

BILL ON THIRD CONSIDERATION AMENDED

SB 1134 (Pr. No. 1484) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 23, 1972 (P. L. 136, No. 52), entitled "Psychologists License Act," reestablishing the State Board of Psychologist Examiners as the State Board of Psychologists; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the suspension and revocation of licenses; providing for fees; providing for penalties; and making repeals.

Considered the third time,

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

STAUFFER AMENDMENT

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

Amend Sec. 4 (Sec. 3.2), page 10, line 10, by striking out "ex officio,"

Amend Sec. 4 (Sec. 3.2), page 10, line 23, by inserting after "eligible": for appointment

Amend Sec. 4 (Sec. 3.2), page 10, line 27, by striking out "A" and inserting: Except for temporary and automatic suspensions under section 8(d) and (e), a

Amend Sec. 4 (Sec. 3.4), page 14, by inserting between lines 18 and 19:

(d) The board may charge a fee, as set by the board by regulation, for all examinations, registrations, renewals, certifications, licensures or applications permitted by this act or the regulations thereunder.

Amend Sec. 8 (Sec. 8.1), page 21, line 22, by inserting after "application": , or within ninety days of disposition, whichever is sooner

Amend Sec. 10 (Sec. 11), page 22, line 22, by inserting after "imprisonment": of not more than six months

Amend Sec. 10 (Sec. 11), page 22, lines 24 and 25, by striking out all of line 24 and "both such fine and" in line 25 and inserting: or

Amend Sec. 10 (Sec. 11), page 22, line 26, by inserting after "year": , or both

Amend Sec. 10 (Sec. 11), page 23, line 16, by inserting after "guidelines": .

Nothing in this subsection shall be construed to give the board authority to impose a civil penalty upon any person licensed by another licensing board when acting within the scope of practice of that profession.

Amend Sec. 10 (Sec. 11), page 23, line 23, by striking out “the respondent is found guilty of” and inserting: it is found that the respondent has engaged in

Amend Sec. 14 (Sec. 15), page 27, lines 15 through 18, by striking out “and approved by the” in line 15, all of lines 16 and 17 and “of the Senate” in line 18 and inserting: by regulation

Amend Sec. 15 (Sec. 18), page 28, line 18, by striking out “Alcoholics Anonymous, Narcotics Anonymous” and inserting: alcohol and drug treatment programs licensed by the Department of Health

Amend Sec. 15 (Sec. 18), page 28, line 19, by inserting after “counseling,”: and

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

WILT AMENDMENT I

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

Amend Sec. 3 (Sec. 2), page 4, by inserting between lines 15 and 16:

The term “psychological principles, methods, and procedures” includes the body of information that can be derived only from an integrated graduate program of study in psychology, and other education and training recognized by the board as prerequisite for a license under this act, and that does not purport to be the practice of medicine. A physician is responsible for those acts of diagnosis, treatment, or the prescription or ordering of drugs which may only be performed by a physician. Consistent with professional ethics, the psychologist who engages in practice shall assist his or her client in obtaining professional help for all relevant aspects of the client’s problem that fall outside the boundaries of the psychologist’s own competence.

Amend Sec. 3 (Sec. 3), page 9, lines 10 through 16, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

WILT AMENDMENT II

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

Amend Sec. 3 (Sec. 2), page 4, by inserting between lines 15 and 16:

In this definition, “psychological principles, methods, and procedures” include the body of information that can be derived only from an integrated graduate program of study in psychology, and other education and training recognized by the board as prerequisite for a license under this act, and that does not purport to be the practice of medicine. A physician is responsible for those acts of diagnosis, treatment, or prescription or ordering of drugs which may only be performed by a physician.

Consistent with professional ethics, the psychologist who engages in practice shall assist his or her client in obtaining pro-

fessional help for all relevant aspects of the client’s problem that falls outside the boundaries of the psychologist’s own competence.

Amend Sec. 3 (Sec. 3), page 5, line 2, by striking out all of said line and inserting: provisions of this act do not apply to:

Amend Sec. 3 (Sec. 3), page 5, line 29, by inserting after “law.”: The provisions of this clause shall include:

Amend Sec. 3 (Sec. 3), page 5, line 30; page 6, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 3 (Sec. 3), page 6, by inserting between lines 15 and 16:

(4) Persons who are qualified members of other recognized professions, including clergy, practicing within the scope of their respective professions. The provisions of this clause shall include:

Amend Sec. 3 (Sec. 3), page 6, line 16, by striking out “(v)” and inserting: (i)

Amend Sec. 3 (Sec. 3), page 6, line 19, by striking out “(vi)” and inserting: (ii)

Amend Sec. 3 (Sec. 3), page 6, line 22, by striking out “(vii)” and inserting: (iii)

Amend Sec. 3 (Sec. 3), page 6, line 25, by striking out “(viii)” and inserting: (iv)

Amend Sec. 3 (Sec. 3), page 6, line 27, by striking out “(ix)” and inserting: (v)

Amend Sec. 3 (Sec. 3), page 6, line 29, by striking out “(x)” and inserting: (vi)

Amend Sec. 3 (Sec. 3), page 7, line 2, by striking out “(xi)” and inserting: (vii)

Amend Sec. 3 (Sec. 3), page 9, lines 10 through 16, by striking out all of said lines

Amend Sec. 20, page 31, line 4, by striking out “(a)”

Amend Bill, page 31, lines 12 through 26, by striking out all of said lines and inserting:

Section 21. To provide a transition period to persons who are substantially near completion of the requirements to apply for licensure under rules in existence immediately prior to the effective date of this act, the board shall have the authority for a period of five years to issue a license to persons who do not have a doctoral degree who:

(1) by September 30, 1986, submit evidence in a manner prescribed by the board of having completed a graduate degree from an integrated program in psychology as well as other requirements specified in 49 Pa. Code § 41.31(b)(1)(ii) (relating to qualifications to enter examination procedure), of the regulations operative on the effective date of this act pertaining to persons with the master’s degree; and

(2) have completed three years of supervised experience as a psychologist in training, 3,500 hours of which must have been supervised by a licensed psychologist in accord with the requirements of the board; and

(3) fulfill all administrative requirements of the board in effect at the time of the examination; and

(4) have satisfactorily passed the examination.

The authority for the board to grant such license is terminated December 31, 1990.

Amend Sec. 21, page 31, line 27, by striking out “21” and inserting: 22

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave on behalf of Senator Jones.

The PRESIDING OFFICER. Senator Lincoln requests a temporary Capitol leave on behalf of Senator Jones. The Chair sees no objection. That leave will be granted.

And the question recurring,

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

LINCOLN AMENDMENT

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

Amend Sec. 5 (Sec. 6), page 15, line 29, by inserting after "board": or is a Pennsylvania certified school psychologist who has four years of field experience acceptable to the board

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, the present law which licenses psychologists allows both the doctoral level psychologist and the master's level certified school psychologist to sit for the licensure examination. Senate Bill No. 1134 is an effort by clinical psychologists, most of whom hold doctoral degrees, to change the licensing of psychologists in the private practice sector. Senate Bill No. 1134 proposes to extend licensure only to doctoral level psychologists, eliminating certified school psychologists from licensure and, hence, from potentially being able to practice privately.

In arguing for allowing licensure to continue for both the doctoral and certified school psychologists, I want to emphasize that the performances audit report, which made recommendations for changes in the Pennsylvania Board of Psychologist Examiners, recommended that two levels of psychologists be continued. Also, there has been no record of abusive practice under the current psychologist licensure law. The training required to become a school psychologist, if carefully analyzed, indicates that the certified school psychologist is a very well-trained person to deal with the school age population and related problems. I note that certified school psychologists are only five credits and a dissertation away from having a Ph.D., and they must also have a master's degree plus thirty hours and between 500 and 1,000 hours in an internship.

Therefore, certified school psychologists should be permitted to sit for the licensure examination, as they always have been in the past, and my amendment would guarantee that current law, not Senate Bill No. 1134, in this regard continue. I would ask for a positive vote.

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

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

Senator STAUFFER. Mr. President, as a reminder to the Members of our caucus and really informational, I would point out that this is the amendment which essentially would

continue the system as it pretty much operates currently. We did have a discussion in our caucus, and I know there are many amendments being offered today, and I wanted to let everyone know the nature of this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator BELL. Mr. President, being thoroughly confused, I would like to change my vote from "aye" to "no."

The PRESIDING OFFICER. The gentleman will be so recorded.

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

The PRESIDING OFFICER. The gentleman will be so recorded.

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

YEAS—13

Andrezski	Jones	Mellow	Ross
Bodack	Kratzer	Musto	Singel
Fumo	Lincoln	Rhoades	Stout
Hankins			

NAYS—35

Armstrong	Holl	Moore	Shaffer
Bell	Hopper	O'Pake	Shumaker
Brightbill	Howard	Pecora	Stapleton
Corman	Jubelirer	Peterson	Stauffer
Early	Kelley	Reibman	Tilghman
Fisher	Lewis	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Wilt
Helfrick	Lynch	Salvatore	Zemprelli
Hess	Madigan	Scanlon	

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

The PRESIDING OFFICER. Senate Bill No. 1134 will go over, as amended.

GUESTS OF SENATOR M. JOSEPH ROCKS PRESENTED TO SENATE

Senator ROCKS. Mr. President, it is my pleasure and privilege to present to the Senate, by way of an introduction, two senior interns who are serving this week, along with eleven seniors at home in Philadelphia, in the Fourth Senatorial District in a senior internship program. These two, by way of lottery, were chosen to spend the week here with us, and they have been busy learning about our procedures here in the Senate and in the Capitol building. It is their first visit to Harrisburg. I hope you will join me in welcoming Mr. Sam Buretta and Geraldine Burnett, my two senior interns for this week from the City of Philadelphia.

The PRESIDING OFFICER. If Senator Rocks' guests would please rise, the Senate will give them their usual warm welcome.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1135 (Pr. No. 1573) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), entitled "Pharmacy Act," reestablishing the State Board of Pharmacy; providing for its composition, powers and duties; changing provisions relating to the issuance of licenses and the revocation and suspension of licenses; providing for fees; providing for penalties; 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—48

Andrezeski	Hess	Madigan	Salvatore
Armstrong	Holl	Mellow	Scanlon
Bell	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

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 TEMPORARILY

SB 1158 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILL OVER IN ORDER

SB 1167 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1207 (Pr. No. 2459) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 139, No. 40), entitled "An act authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to the Corps of Engineers of the United States Army a tract of land situate in Fairview Township, York County, Pennsylvania," further providing for the description of the tract of land.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hess	Madigan	Salvatore
Armstrong	Holl	Mellow	Scanlon
Bell	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

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.

**MEETING OF COMMITTEE
ON APPROPRIATIONS**

Senator STAUFFER. Mr. President, at this time I would ask for permission for Senator Tilghman to hold a brief meeting of the Committee on Appropriations off the floor in the Rules Committee room. I understand it will be a very brief meeting, and I believe it is a recessed meeting of the meeting held earlier today. I believe we could continue to move forward on the noncontroversial items on the second reading Calendar, if everyone is in agreement that we do that as a means of saving some time.

The PRESIDING OFFICER. Members of the Committee on Appropriations will please report to the Rules Committee room at the rear of the Chamber for a brief meeting of the Committee on Appropriations.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. The Chair notes the presence and the return to the floor of Senator Jones, and her Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED**SECOND CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

HB 568 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS OVER IN ORDER

HB 84, SB 555 and HB 567 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS ON SECOND CONSIDERATION

SB 645 (Pr. No. 1474) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting distribution of obscene or sexually explicit material through certain television systems.

Considered the second time and agreed to,

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

HB 677 (Pr. No. 2449) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 690, 808 and SB 815 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 954 (Pr. No. 2450) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the compensation of supervisors and for the purchase of insurance; and providing that townships and authorities using private roads for access may maintain the roads.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1073 and 1100 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

HB 1112 (Pr. No. 2361) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the powers and duties of the Pennsylvania Liquor Control Board, the Office of Attorney General; creating the Office of Administrative Law Judge; transferring enforcement powers to the Office of the Attorney General and defining its powers and duties; adding provisions relating to payment of State taxes; providing for special provisions for exchange of hotel liquor licenses; further providing for penalties; transferring personnel, equipment and appropriations; and making editorial changes.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER offered the following amendment:

Amend Sec. 27, page 81, line 8, by striking out all of said line and inserting:

Section 27. (a) Section 11, insofar as it relates to section 470.2 of the act, and section 18 of this amendatory act shall take effect immediately.

(b) The remainder of this act shall take effect July 1, 1986.

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?

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

Amend Sec. 25, page 80, line 2, by striking out "ALL" and inserting: Except for hearing examiners who choose to continue to serve as hearing examiners for hearings held under section 507, all

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

It was agreed to.

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

BILL LAID ON THE TABLE

SB 1123 (Pr. No. 1462) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act," further providing for the periods for which the Pennsylvania Public Utility Commission and the State Board of Medical Education and Licensure shall be reestablished.

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

BILL ON SECOND CONSIDERATION

SB 1129 (Pr. No. 1562) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1151 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER TEMPORARILY

SB 1156 (Pr. No. 1451) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for reimbursements by the Commonwealth.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER. Mr. President, prior to moving forward with Senate Bill No. 1156, I wonder if the gentleman from Allegheny, Senator Zemprelli, would stand for a very brief interrogation?

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

Senator ZEMPRELLI. I will, Mr. President.

Senator STAUFFER. Mr. President, I wonder if the gentleman can indicate whether there is any problem with going ahead and offering the amendment to Senate Bill No. 1156, recognizing that there is a committee meeting being held off the floor?

Senator ZEMPRELLI. I am afraid there is, Mr. President. There was some controversy expressed in our caucus about Senate Bill No. 1156.

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

In that case, I would ask that we go over that bill temporarily until the committee meeting is over, and we can then proceed with that while we move forward with the rest of the Calendar.

Senator ZEMPRELLI. Mr. President, I wish to revise my statement, not that there is some controversy; there is a great deal of controversy over the meaning of the amendment.

Senator STAUFFER. It is the same situation, Mr. President. We will go over it temporarily.

The PRESIDING OFFICER. Without objection, Senate Bill No. 1156 will go over temporarily.

BILL OVER IN ORDER

HB 1338 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 1363 (Pr. No. 2461) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 10, 1975 (P. L. 383, No. 110), known as the "Physical Therapy Practice Act," further providing for the board, qualifications for licenses and renewal thereof, registration of physical therapy assistants and certification of athletic trainers; providing for a Physical Therapist Assistant Advisory Committee; providing penalties; and making an editorial change.

Considered the second time and agreed to,

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

STATEMENT BY MAJORITY LEADER

Senator STAUFFER. Mr. President, my understanding is that the meeting of the Committee on Appropriations is recessing, and I would think in a moment we can move forward with the consideration of Senate Bill No. 1156 on second consideration.

CONSIDERATION OF CALENDAR RESUMED

SB 1156 CALLED UP

SB 1156 (Pr. No. 1451) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Second Consideration Calendar, by Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED AND REREFERRED

SB 1156 (Pr. No. 1451) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for reimbursements 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 Sec. 1 (Sec. 2502.5), page 2, line 2, by striking out "year" and inserting: years

Amend Sec. 1 (Sec. 2502.5), page 2, line 2, by inserting after "1983-1984"; and 1984-1985

Amend Sec. 1 (Sec. 2502.5), page 2, lines 2 and 3, by striking out "eighty-two and five-tenths percent (82.5%)" and inserting: eighty-three and five-tenths percent (83.5%)

Amend Sec. 1 (Sec. 2502.5), page 2, line 3, by striking out "1984-1985" and inserting: 1985-1986

Amend Sec. 2, page 2, line 20, by striking out "immediately" and inserting: July 1, 1986

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, since I understand there is some controversy connected with this amendment, I would hope we could have the attention of the Members of the Senate in order that I might explain the amendment and, perhaps, we can eliminate all or certainly most of that controversy.

Mr. President, if the Members will recall, earlier this year when we were doing the budget for the 1985-86 fiscal year, the issue of guaranteed subsidy to school districts which earn less than 100 percent was an issue of great debate. I might refresh the minds of the Members by indicating that it was a rather bitter, heated debate that took place with regard to those fifty-one districts spread throughout the Commonwealth which were shortchanged in the sense that they received a minimum guarantee of 80 percent of what they actually earned. The view was expressed that this guarantee should be increased, that if they were earning more than 80 percent those fifty-one school districts should have the opportunity to receive some additional portion of that to which they were entitled through the subsidy program. Because of the lateness of the hour as we were dealing with the budget and the fact that the budget had been worked out essentially, we were unable to deal with that issue, and we did nothing to deal with those 80 percent districts. There was a recognition, however, that the issue was a very live one and one that would actually come up again when we were ready to do the next year's budget if it was not attended to in the interim period. Some of us have set to work to try and deal with that issue and to eliminate that degree of controversy so we would not have to face that when we are dealing with next year's budget, and that those districts which are essentially shortchanged would have a reasonable increase in the guarantee they receive.

The bill before us, Mr. President, proposes in its existing form that that subsidy level be increased to the rate of 82.5 percent for the current school year. That, Mr. President, has presented a problem to us because we have already dealt with this year's appropriations. There is very little left in the way of funds available for additional appropriations. Furthermore, school districts have already established their budgets and are operating under the subsidy levels they were given when we did pass the budget, so it is not practical for us to do anything in this fiscal year.

What my amendment proposes to do, Mr. President, is to increase the level an additional one percent to a guarantee of 83.5 percent for those fifty-one districts and to have that guaranteed increase become effective with the next school year—the 1986-87 school year. With the adoption of this amendment, Mr. President, and with the enactment of the legislation, we will have effectively dealt with a very controversial issue, a very difficult issue as it faces many Members of this Senate in the fifty-one school districts spread throughout the Commonwealth which are faced with that dilemma. It is in

that spirit, Mr. President, of trying to solve a problem that I offer the amendment and ask for the affirmative vote of the Members.

Senator LINCOLN. Mr. President, I rise to very sincerely speak against this amendment. I do that with very little zeal because I was very closely involved in what took place last May and June, along with the gentleman from Chester, Senator Stauffer, in coming to a compromise on what is annually a difficult thing to deal with, and that is how to distribute our public funds for public education. If we were to follow the amendment author's logic, every year in November we would be here to try to settle an inequity that some person, either in the House or the Senate or a group of school districts, felt came out of the ultimate compromise on the budget in the school subsidy monies. In the thirteen years I have been around in both the House and the Senate, this may be the only time I can recall that we have dealt with changes in the school subsidy other than at a time whenever we were dealing with the budget when we had figures available as to how much of an increase we were going to allow, how we were going to distribute that money, with printouts showing precisely which school districts would gain from each section of the subsidy formula that we have changed. We have had numerous changes in the complete subsidy formula that were always accomplished at times when we were dealing with the dollar amounts that were going to be available for the coming fiscal year. There were people who reacted very violently to not only this amendment but also the piece of legislation itself that this amendment is being offered to. It would be very easy to parade in here this evening with ten, twelve, fifteen other amendments to the subsidy formula, with just as valid arguments against what happened in June and for what change you were anticipating making by the amendment being offered and accepted by this Body. I think what we are about here this evening is a very dangerous thing. I think I have seen over the years more than my share of irresponsible action taken by the Legislature in Pennsylvania, but I also have seen many, many instances of very responsible approaches to government. One area where that responsible approach has always been in the forefront has been dealing with subsidy formulas and the distribution of state dollars to support public education.

Mr. President, I have asked other Members of our caucus not to begin the parade of amendments. I am very pleased to say to you that they have responsibly responded to that request. I am not sure whether that particular attitude will prevail when this bill goes to the House, because therein lies a real problem with this particular effort. When it gets to the House it is fair game for a lot of other changes. We do not have the data base now to determine what effect this will have. We have no idea who it is going to help because we do not have the dollars that are going to be available for next year's subsidies to be disbursed. If you are going to say we are going to deal with it on the basis of what we have in this year's budget, but we are not going to use it until July 1st, it does not make any sense because you are not going to affect what you

are disbursing now, and the only thing you are doing is pre-termining for next year's fiscal year what you are going to be spending in one part of the subsidy formula without knowing that you are going to have an increase of 3 percent, an increase of 6 percent, an increase of 10 percent, or no increase at all. I have no problem. In fact, I believe there was somewhat of a ladies' and gentlemen's agreement among the people involved in coming to this year's compromise that there would be an increase similar, if not greater, to what the gentleman from Chester, Senator Stauffer, is trying to bring about. I would urge the Members of this Senate to consider this. I know we hear this all the time and I know we can sit back and think, well, I am going to vote for it because it does not make any difference, but I am telling you this is one of the most dangerous actions I have seen in a long time in the General Assembly since I have been here. If we were to come in tonight and start to debate the subsidy formula, and God knows there are all kinds of inequities in it because it is impossible to put together something that would be completely fair to 500 school districts, and every year we attempt to be as fair and to be as fiscally honest as we can in that formula, so I would urge every Member of this Senate to consider what they are doing when they vote for this particular amendment, and tomorrow if we run the bill I will probably be up speaking against the bill in the same manner.

Mr. President, I have never shrugged away from my responsibility of funding public education. If I were to leave this Senate today and live another thirty years, one of the things I would be proudest of is my involvement as a Member of the Committee on Education in both the House and the Senate and as a Member of the House and Senate for the last thirteen years, my involvement in bringing about badly needed funding for public education. I would like to be able to walk away from here in another year or four years or six years, or whatever it may be, knowing that other Members of the General Assembly shared that good feeling about knowing we have always separated the partisanship in the education community. We have always separated that when we came to funding, and it never seemed to matter who was in the Majority or who was in the Minority, the subsidy formulas were dealt with in a manner of being responsible and nonpartisan. I think a great deal of that goes to the credit of the chairmen of the committees that I have served with, Representative Gallagher and Sieber Pancoast in the House, Senator Reibman and Senator Hess in the Senate. There always seemed to be fair, even-minded persons knowing of the responsibilities they held as chairmen in enacting legislation such as this. I ask you to consider that, and I ask you to vote "no" on this amendment.

Senator STAUFFER. Mr. President, in response to the gentleman, I am actually amazed at some of the verbiage he used with regard to this amendment. To say that it is dangerous and irresponsible to pay a school district what it has earned under our subsidy formula, certainly cannot be characterized as being dangerous or irresponsible. Mr. President, we have a subsidy formula, and we are not in this proposal tampering

with that subsidy formula or changing that at all. We have a subsidy formula, but we also have a minimum guarantee of 80 percent which affects fifty-one school districts in this Commonwealth.

Mr. President, I point out that there is nothing partisan at all about this because those fifty-one school districts are spread throughout the Commonwealth. They are in Democratic Senatorial districts as well as Republican Senatorial districts. They are fifty-one school districts which are receiving less than they earn under the application of the formula. All we are saying in this amendment is, instead of limiting them to 80 percent of what they earn, let us give them 83.5 percent of what they earn. We are talking about something that is over \$5 million in costs. It is not a large amount but a significant amount as far as fifty-one school districts in this Commonwealth are concerned.

Mr. President, we are not rewriting the school subsidy formula, we are not changing that, and for the gentleman to indicate that we only ever deal with this type of an issue at budget time is not the case. There is no reason we cannot eliminate a very strong stickler, as far as many Members of this Senate on both sides of the aisle are concerned, by dealing with it now. I would point out to the folks on the other side of the aisle that I would hope they would not join with the gentleman in turning down something that is going to be meaningful in the school districts that they represent which happen to fall into that category and which are, hopefully, expecting that at long last we are going to do at least a little something to deal with this issue and try and treat those districts a little bit fairer.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. I am delighted to announce that I am back on the floor and my temporary Capitol leave can be cancelled.

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

Senator LINCOLN. Mr. President, would the gentleman from Chester, Senator Stauffer, 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 LINCOLN. Mr. President, where is the gentleman coming up with the figures of fifty-one school districts and \$5.1 million that he has quoted on the floor?

Senator STAUFFER. Mr. President, the fifty-one school districts have been identified by the Department of Education. As far as the little over \$5 million is concerned, my initial figures also came from the Department of Education. Recognizing that this piece of legislation, if the amendment is adopted, would have to go to the Committee on Appropriations for a fiscal note, I had asked the chairman of the Com-

mittee on Appropriations to have his staff begin to do some initial work in the preparation of a fiscal note, so I also have the Department of Education figures backed up by the work that has already been done by the staff of the Committee on Appropriations.

Senator LINCOLN. Mr. President, are those numbers that the gentleman has, that his Committee on Appropriations has provided, backed up by the Department of Education, been based on this year's fiscal numbers or a projected estimate of next year's fiscal numbers?

Senator STAUFFER. Mr. President, the numbers that were worked by the Department of Education were based on this year's figures because, obviously, they do not have next year's figures yet. However, that would have a very minuscule variance.

Senator LINCOLN. Mr. President, when does this particular piece of legislation, with the amendment if it is accepted, go into effect?

Senator STAUFFER. Mr. President, it would go into effect for the 1986-87 school year, the next school year, Mr. President, effective really with our next budget.

Senator LINCOLN. Mr. President, the gentleman stated that it is projected on next year's budget only based on this year's figures, which he expects would be a very minuscule amount. Can the gentleman tell me that he has not in the last seven years seen a tremendous difference in the amount of dollars available from one year to the next for public education?

Senator STAUFFER. Mr. President, that does not enter into this particular issue because here we are talking not about what is going to be made available for education, we are talking about what we are going to do in the way of a guarantee for those fifty-one districts which are being short-changed. There certainly can be a large infusion of money which will go out to all school districts and that would be money that would be distributed aside from what we are talking about in this 3.5 percent increase for those fifty-one districts in question.

Senator LINCOLN. Mr. President, is the gentleman saying, then, that if we would have a \$100 million increase in what is provided in the budget for school subsidies and increase in November from 80 percent to 83 percent what a school district can be reimbursed, that that will have no effect on what the other 449 school districts in Pennsylvania get out of the \$100 million increase?

Senator STAUFFER. It would have a minuscule effect, Mr. President. That is the point. We are talking about a total cost in this proposal of something in the range between \$5 million and less than \$6 million. So if we are talking about an increase of \$100 million in next year's educational appropriations, certainly, using some portion of that \$100 million, a very few million for this purpose would certainly not have any dramatic effect on what would happen in 451 other school districts.

Senator LINCOLN. Mr. President, by virtue of the gentleman offering this amendment to Senate Bill No. 1156 on November 19, 1985, can I assume there will be no further

changes then in the subsidy formula in May and June when we are legitimately dealing with this issue?

Senator STAUFFER. Mr. President, as far as I am concerned, we are very legitimately dealing with this. There has been a great deal of discussion involved with those who represent those school districts in question, and there has been a recognition on their part that if we can make a movement of this type toward better equity for them, that would be acceptable. As far as I am concerned, I would not be here offering any more for that particular group of districts. I would feel that the subsidy then would play out as it does with whatever amount of money we appropriate with each of the total number of school districts receiving their appropriate appropriation. I believe the school districts will be grateful for that 3.5 percent increase and the guarantee and will accept that.

Senator LINCOLN. Mr. President, I have no problem accepting the assertion of the gentleman from Chester, Senator Stauffer, that the school districts will be pleased with that 3.5 percent, but I wonder if the other half a dozen or eight different changes that were not dealt with in June—if they affect some of the twenty, thirty, forty districts, and they may only be \$6 million to \$8 million to \$10 million, I wonder if we would come in and do this on an annual basis in November if it would make it any easier to solve the budget problems in June of the following year?

Senator STAUFFER. Mr. President, obviously, that is a general question. I recognize that, and I can only speak in generalities. Obviously, every problem that we can solve throughout the year as we legislate, hopefully, is going to help minimize or reduce the number of problems we have to face at budget time. In this particular instance, I think we are dealing with a very realistic issue. This is not one that came up this past year, it is one that has been with us for a number of years. Here we are going to, hopefully, make a step to deal with that, and I would expect that that would be a satisfactory step for some years. Obviously, those districts would like to receive all that they are entitled to under the subsidy, but I believe if we make this kind of a step, we will have satisfied that issue for some period of time.

Senator LINCOLN. Mr. President, if that were the case, why is this amendment offered on November 19th and will not take effect until July 1st, if it is not going to have any deleterious effect on any other school district and it is something that happened to be picked out as a problem that should be dealt with now, why would it not be effective on the effective date of this particular bill becoming law?

Senator STAUFFER. Mr. President, there is a two-fold answer to that question. First of all, had I not had the misfortune of having been out of here for literally a month with my recent injury, I would have moved this proposal forward much sooner. This is one that some of us have been working on all through the summer, since we did last year's budget, because there were Members on both sides of this aisle who had school districts that were affected by that situation who said we want to see some action, we want something done about this, there is an unfairness that we want corrected. We

set to work to try and correct it. I have been in touch. I have had staff people in touch with the Department of Education working on this. We have been discussing it with the Administration, attempting to work out some movement that we could take to deal with this issue. We have reached that point, and the timing is here and now to do it. As far as I am concerned, the reason I want to see it done now and not later is in order to put at ease the minds of those Members of this Senate who have the problem, as well as the school administrators and the school directors in fifty-one school districts who have complained bitterly about the failure of this General Assembly to deal with an issue that is extremely important to them because they feel they have been cheated.

Senator LINCOLN. Mr. President, I would have no further questions, but I would like to make a few more remarks.

Mr. President, I guess you learn a little bit every day when you are in this business, and one of the things I have learned tonight is that even though there are people who are involved in and have quite a bit of control over the final compromise of a situation that takes place in the budget, if you wait you can come back and say it was not fair. There are probably fifteen, eighteen or twenty other items in this past year's budget that individual Members of this Senate and groups of Members of this Senate would feel they were cheated, if that is the word you want to use, and that we would be wise to be doing this in October, November, December, January or February. You cannot do that, and you specifically cannot do that with school subsidies. You are not dealing with a \$5 million appropriation. You are talking about \$2 billion in a very complicated formula. It is like a bean bag. When you move one part, a whole bunch of other parts move. To do something prospective to July 1st and say that is not going to have any effect on what you do when you decide to be serious about coming up with a subsidy formula, is not fair to anybody, including the school districts.

This is not the way to do things. I have been angry from July 1st until June 30th of the next year because something did not happen in the budget. I have been angry when I was in the Majority. I have been angry when I am in the Minority. But, this is not the proper time to address this issue. The Majority Leader can be thankful that there is a responsible position on this side of the aisle not to come in with the eight or ten amendments which would be very difficult to deal with for everyone because this is not a partisan issue. My argument against him this evening is not a partisan argument. Every one of those fifty-one school districts that did not go from 80 percent to 85 percent or 82.5 percent or 83.5 percent on reimbursement was given something else in the subsidy formula. We distributed this past year for this fiscal year one of the highest amounts of additional dollars for funding public education in all the years I have been in office. If that was not satisfactory, if we could not please everybody with what we did this past June, we could be here every day trying to straighten it out. You cannot do it, and I would ask you to use reason and to use common sense and vote this amendment down and come back in June when we have an opportunity to deal with

it. Maybe legitimate was a bad choice of words on my part, but an appropriate time, if not a legitimate time, do it in a common sense, responsible, logical approach and vote this amendment down.

Senator ROCKS. Mr. President, I, too, rise in opposition to this amendment. I believe my reasons for opposing it, however, might be just slightly different than those of the gentleman from Fayette, Senator Lincoln, in his opposition. For one thing, I have not spent as much time around here being angry as he has, but maybe it is because I have not been here long enough.

The amendment as proposed by the gentleman from Chester, Senator Stauffer—Senator Stauffer professed to be somewhat amazed at the intensity of the opposition to this amendment. From at least my perspective, allow me to try to cut through that amazement. My opposition to this amendment is simply stated in the premise that for the gentleman from Chester, Senator Stauffer, for the Budget Office of the Thornburgh Administration, it is time for fifty-one school districts to put your money where your mouth is. I have no doubt this is a very well-intended amendment, but I do not think what fifty-one school districts are going to fall for in this amendment is the political gimmickry of a bidding war on where the level of this cap comes in.

The fact of the matter is—and I will borrow some of the very own impressions of the gentleman from Chester, Senator Stauffer, on this issue—I learned from listening that this issue has been around for a number of years. He went so far as to say that we would have dealt with this issue a bit sooner if it had not been for some personal dynamics that kept it from coming into this Chamber.

Mr. President, as a Philadelphian who is privileged to sit on the Committee on Education, I guess I have tinkered as much with the budget formula, with the basic education subsidy formula, as anybody in here, and I have done it for a number of years. I know how to do that. The fifty-one school districts we are talking about that have been capped at 80 percent found for themselves several champions in last season's budget here. They were led by the gentleman from York, Senator Hess, and I thought he did it with a remarkable amount of courage. Their problem can be resolved with just not a lot of money, but for what is in many of their instances survival. The two school districts that the gentleman from Allegheny, Senator Zemprelli, represents, one that the gentleman from Erie, Senator Andrezeski, represents, those school districts needs are today, not on another good intention from us that at some point in time fifty-one tiny little school districts—and these are small—that are capped at 80 percent but are realizing a shortfall of dollars should have a promise that goes into yet another fiscal year.

My opposition to this amendment, Mr. President, is that we have clearly identified this problem. We did it long before the introduction of this bill. The problem can be resolved with the passage of the bill, and this is where I differ just slightly from the gentleman from Fayette, Senator Lincoln, although I respect very much what he described in the context of process

and how we have traditionally gone about it. We can resolve this problem by passing this bill, and we do it without this amendment. This amendment delays addressing the problem. It sounds as if we are doing a little bit more because the gentleman from Chester, Senator Stauffer, has raised the cap and we can all write home tonight and say we are even giving you a little bit more money than we even intended in the introduction of this bill. That might make a nice press release and it might read very well back in the school districts, but I will tell you what the need is. The need is to pass this bill, not to pass this amendment and delay again the addressing for fifty-one school districts of this problem. Based on that, I would ask us to all oppose the Stauffer amendment and get on with the passage of the much needed Senate Bill No. 1156.

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Fumo.

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

Senator ZEMPRELLI. Mr. President, I request a temporary Capitol leave on behalf of Senator Romanelli.

The PRESIDENT pro tempore. Senator Zemprelli requests a temporary Capitol leave for Senator Romanelli. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator REIBMAN. Mr. President, as I understand the amendment, it would give to these fifty-one school districts a promise that next year their cap would be raised to 83.5 percent in exchange for giving up raising the cap this year from 80 percent to 82.5 percent. As I have looked through this list of these fifty-some school districts, I think these school districts do need the money now. Next year we can come in and raise the cap to 83.5 percent or whatever we want to raise it to, but it seems to me that they need the money now, and this is what we should be concentrating on.

Senator ZEMPRELLI. Mr. President, I have listened to the debate with a great deal of interest and I agonize about what I hear. I cannot be silent with respect to this issue as it has such a vital effect upon my home community and other community school districts that are within my Senatorial district. I think the lady from Northampton, Senator Reibman, makes the point very well as the others have. It is like handing somebody a carrot and then pulling it away and saying maybe I will give you a bigger carrot tomorrow. I know that the school district in the City of Clairton needs \$60,000 now. To suggest they would get an additional \$25,000 if they did, in fact, forego the \$60,000 now is a net loss to that school district in two ways. It takes away \$60,000 and it then only pays it a year later if it gets paid at all. The arguments here that this is a benefit and those that were articulated by the Majority Leader all fall through the floor when, in fact, the postponement of the payment is for a year. If he is sincere in what he says in increasing the percentage and have it become effective at this

time, although there is, in fact, a number of arguments to be made in opposition to it, I, for one, would vote for it. However, I cannot agree to vote to take this money away from the school districts within this present fiscal period as I think it would be irresponsible of me to do so understanding the need for these funds.

Senator STAUFFER. Mr. President, I would respond to the gentleman by indicating that we do not take any funds away from the school districts in the current fiscal period. This is money which is payable. I see some nods over there, and I think that probably someone who has read the amendment has not taken into account that the use of the term "1985-86 year" is because we always base the next year's appropriation on the previous year's numbers and, therefore, we are not taking anything and it has no effect at all on the current fiscal year, not a dime's worth. It is effective as far as the dollar expenditures are concerned in the 1986-87 school year.

Senator ZEMPRELLI. Mr. President, I do not agree with the gentleman's interpretation. It is nice for us to speak in this Chamber, however, the fact that the bill if it was passed without his amendment or if it did not delay the implementation of the bill as far as passage in his amendment, this bill's monies would flow immediately. There would be no reason why they would not flow. By suggesting the bill does not become operative until one year later, that takes away from the local school district the proposed increase that is reflected in the bill itself. If the gentleman has the construction of this bill other than that, I invite him to meet me halfway because I truly do not understand what he is saying. If I am incorrect then, I am suggesting that there would not be \$60,000 flowing to the City of Clairton school district because this bill would not be in effect until the following year by virtue of the language of the amendment. On the other hand, if, in fact, the bill passed now, those monies would flow now. Therefore, I state that my argument prevails, and I invite the Majority Leader to suggest to me where I am in error in this interpretation.

Senator STAUFFER. Mr. President, when the gentleman phrases it in the form of the bill as it appears before us, without the amendment, he would be correct. The point I would raise with him is that it is not practical to get any money this year. You are not going to get any additional money this year. You cannot pass a bill that would do that. It is not a practical result that you can obtain. I am not sure you can get a bill signed and, furthermore, if you did it this year, then you would be affecting other school districts and then you would create the kind of turmoil that we are avoiding with what we are doing here.

The PRESIDENT pro tempore. The Chair would remind the Members of the Senate of the Senate Rule about speaking more than two times. We have been giving a great deal of leeway because of the importance of the issue, but I would hope that we could bring this to a conclusion, by the continual debate of the same speakers.

Senator ZEMPRELLI. Mr. President, I cannot find any difficulty with what the gentleman said because he is prophesying and I cannot deal with prophesies. He is telling me that it is an exercise in futility to pass this bill without his amendment. But then I wonder, Mr. President, what is the need for having had an appropriation bill before us which carries this money. Is that going to be an exercise in futility also? Does he have information from the front office that he should share with the rest of us that this appropriation bill is not going anywhere? If it is, then let us all go home and have a happy holiday and come back next year, if that is what our function is. I suggest the gentleman should share that information with us. If we get a letter from the Governor that he is not going to approve this, maybe we would have a different attitude about it. I then can go back to my school districts and tell them that I wanted to give it to them, but the Governor did not want to.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator BODACK. 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 were as follows, viz:

YEAS—30

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

NAYS—17

Bodack	Lincoln	Reibman	Scanlon
Fumo	Mellow	Rocks	Singel
Hankins	Musto	Romanelli	Stapleton
Jones	O'Pake	Ross	Zemprelli
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 second consideration, as amended?

It was agreed to.

Senator STAUFFER. Mr. President, I move that Senate Bill No. 1156, as amended, be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 1156, as amended, will be rereferred to the Committee on Appropriations.

UNFINISHED BUSINESS

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator BRIGHTBILL, by unanimous consent, reported from the Committee on Rules and Executive Nominations, from His Excellency, the Governor of the Commonwealth, communications recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF COSMETOLOGY

November 13, 1985.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 16, 1985 for the appointment of Donald Donofrio, 25 Williams Lane, Hatboro 19040, Montgomery County, Twelfth Senatorial District, as a member of the State Board of Cosmetology, to serve for a term of one year and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Francis F. Carducci, Williamsport, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF COSMETOLOGY

November 13, 1985.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 16, 1985 for the appointment of Lee Matz, 255 West Tenth Street, Erie 16501, Erie County, Forty-ninth Senatorial District, as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Antonie T. Klar, Camp Hill, whose term expired.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

On the question,

Will the Senate agree to the motion?

Senator GREENLEAF. Yes, Mr. President, I would like to have a roll call vote on that.

The PRESIDENT pro tempore. On the motion to return the nominees to the Governor, do you wish one roll call on both of them?

Senator GREENLEAF. Yes, Mr. President.

The PRESIDENT pro tempore. The Clerk will call the roll. The question is, will the Senate agree to the motion of Senator Brightbill to return the nominees to the Governor?

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—46

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

NAYS—1

Greenleaf

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

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

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

Senator BRIGHTBILL, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA
GAME COMMISSION**

August 27, 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 Clair Clemens (District Eight), 675 Reinert Road, Hatfield 19440, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1993, and until his successor shall have been appointed and qualified, vice Edwin J. Brooks, Lansdale, resigned.

DICK THORNBURGH.

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

July 29, 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 Larry A. Hake, 855 Lancaster Avenue, Columbia 17512, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve for three years or for so long as he is a full-time undergraduate student in attendance at the university, whichever period is shorter, if he qualifies academically, vice Stephen KonKolics, graduated.

DICK THORNBURGH.

**PROTHONOTARY AND CLERK OF COURTS,
SCHUYLKILL COUNTY**

July 22, 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 Charles K. Heffner, 1231 Oak Road, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as Prothonotary and Clerk of Courts in and for the County of Schuylkill, to serve until the first Monday of January, 1986, vice William H. Owens, deceased.

DICK THORNBURGH.

**COMMONWEALTH TRUSTEE OF THE
UNIVERSITY OF PITTSBURGH-
OF THE COMMONWEALTH SYSTEM
OF HIGHER EDUCATION**

October 7, 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 W. Louis Coppersmith, Esquire, 900 Parkview Drive Ext., Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh-of the Commonwealth System of Higher Education, to serve until October 5, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.

**MEMBER OF THE LANCASTER COUNTY
BOARD OF ASSISTANCE**

October 7, 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 Fabian A. Sabatine (Republican), 325 Ruby Street, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Lancaster County Board of Assistance, to serve until December 31, 1985, and until his successor is duly appointed and qualified, vice Marianne Ashbey, Lancaster, resigned.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

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

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

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.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

September 3, 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 Howard F. Fox (Public Member), 3606 Darby Road, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of two years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

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

Senator O'PAKE. 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 BRIGHTBILL and were as follows, viz:

YEAS—13

Brightbill	Holl	Kelley	Peterson
Corman	Howard	Moore	Scanlon
Fisher	Jubelirer	Pecora	Stauffer
Hess			

NAYS—34

Andrezeski	Hopper	O'Pake	Shumaker
Armstrong	Jones	Reibman	Singel
Bell	Kratzer	Rhoades	Stapleton
Bodack	Lewis	Rocks	Stout
Early	Lincoln	Romanelli	Tilghman
Fumo	Loeper	Ross	Wenger
Greenleaf	Madigan	Salvatore	Wilt
Hankins	Mellow	Shaffer	Zemprelli
Helfrick	Musto		

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

**RECONSIDERATION OF EXECUTIVE
NOMINATION**

NOMINATION LAID ON THE TABLE

Senator BRIGHTBILL. Mr. President, I move that the vote by which the nomination was just defeated be reconsidered and the nomination be laid on the table.

The PRESIDENT pro tempore. It has been moved by Senator Brightbill that the vote by which the nominee, Howard F. Fox, did not receive sufficient votes for confirmation be reconsidered and the nomination be laid on the table.

The motion was agreed to.

The PRESIDENT pro tempore. The nomination of Howard F. Fox will be laid on the table.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

September 3, 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 Deborah D. George, R. D. 4, Juniata Gap Road, P. O. Box 225, Altoona 16601, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

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

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

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

Senator PETERSON. 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 required by Senator BRIGHTBILL and were as follows, viz:

YEAS—26

Andrezeski	Howard	Musto	Scanlon
Brightbill	Jones	O'Pake	Shaffer
Corman	Jubelirer	Pecora	Singel
Fisher	Kelley	Peterson	Stapleton
Hankins	Lewis	Reibman	Stauffer
Hess	Mellow	Rocks	Wenger
Holl	Moore		

NAYS—21

Armstrong	Helfrick	Madigan	Shumaker
Bell	Hopper	Rhoades	Stout
Bodack	Kratzer	Romanelli	Tilghman
Early	Lincoln	Ross	Wilt
Fumo	Loeper	Salvatore	Zemprelli
Greenleaf			

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

September 3, 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 Carol Thompson Micciche, 1831 Divot Court, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of one year and until her successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

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

Senator ZEMPRELLI. Mr. President, having voted the proxy of Senator Ross and Senator Fumo in the negative, I wish to change those votes to affirmative votes on this nomination and Senator Romanelli's vote also.

The PRESIDENT pro tempore. The Clerk will be so instructed.

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

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

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

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

Senator MELLOW. 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 required by Senator BRIGHTBILL and were as follows, viz:

YEAS—34

Andrezeski	Holl	Musto	Scanlon
Armstrong	Howard	O'Pake	Shaffer
Brightbill	Jones	Pecora	Singel
Corman	Jubelirer	Peterson	Stapleton
Early	Kelley	Reibman	Stauffer
Fisher	Lewis	Rocks	Wenger
Fumo	Loeper	Romanelli	Wilt
Helfrick	Mellow	Ross	Zemprelli
Hess	Moore		

NAYS—13

Bell	Hopper	Madigan	Shumaker
Bodack	Kratzer	Rhoades	Stout
Greenleaf	Lincoln	Salvatore	Tilghman
Hankins			

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.

CONSIDERATION OF CALENDAR RESUMED

SB 1158 CALLED UP

SB 1158 (Pr. No. 1513) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1158 (Pr. No. 1513) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and the suspension and revocation of licenses; providing penalties; 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 5, by inserting after "licenses": and certificates

Amend Title, page 1, line 6, by inserting after "licenses": and certificates

Amend Table of Contents, page 3, line 26, by striking out "PROFESSIONAL" and inserting: practitioner

Amend Table of Contents, page 3, line 30, by striking out "PROFESSIONALS" and inserting: practitioners

Amend Sec. 2, page 6, line 23, by striking out "professional." and inserting: practitioner."

Amend Sec. 2, page 7, line 29, by striking out "'Professional.'" and inserting: "Board regulated practitioner."

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

Amend Sec. 3, page 9, line 12, by striking out "A" and inserting: Except for temporary and automatic suspensions under section 40, a

Amend Sec. 3, page 9, lines 13 and 14, by striking out "OTHER THAN TEMPORARY AND AUTOMATIC SUSPENSIONS UNDER SECTION 40,"

Amend Sec. 3, page 9, line 25, by striking out "within five years and"

Amend Sec. 4, page 11, lines 29 and 30; and page 12, line 1, by striking out all of said lines on said pages and inserting:

actions.—The board may refer to the committee cases involving potential disciplinary actions under this act. Upon such referral, the committee shall review the case and make recommendations to the board within such time as the board shall designate; provided, that once the committee has accepted an impaired professional in an approved treatment program in accordance with this section, the committee may not thereafter accept referral of a disciplinary case regarding that individual from the board.

Amend Sec. 4, page 12, lines 3 and 4, by striking out "Alcoholics Anonymous, Narcotics Anonymous" and inserting: alcohol and drug treatment programs licensed by the Department of Health

Amend Sec. 9, page 16, line 24, by striking out "and"

Amend Sec. 17, page 22, line 21, by striking out "professional" and inserting: practitioner

Amend Sec. 17, page 22, line 23, by striking out "professional" and inserting: practitioner

Amend Sec. 17, page 23, line 4, by striking out "professionals" and inserting: practitioners

Amend Sec. 17, page 23, line 13, by striking out "professional" and inserting: practitioner

Amend Sec. 20, page 23, line 30, by striking out "professionals" and inserting: practitioners

Amend Sec. 20, page 24, line 2, by striking out "professional" and inserting: practitioner

Amend Sec. 20, page 24, line 3, by striking out "professionals" and inserting: practitioner's

Amend Sec. 20, page 24, line 5, by striking out "professionals" and inserting: practitioner's

Amend Sec. 24, page 27, line 17, by inserting after "expenses": , in accordance with Commonwealth regulations

Amend Sec. 31, page 31, line 12, by inserting after "assigned": and any satellite facility or other training location utilized in the graduate training program

Amend Sec. 32, page 32, line 22, by inserting after "license": valid for no more than three years, as the board shall determine and

Amend Sec. 41, page 39, line 25, by striking out "professional" and inserting: practitioner

Amend Sec. 41, page 40, line 30, by striking out "professional" and inserting: practitioner

Amend Sec. 41, page 41, line 2, by striking out "professional" and inserting: practitioner

Amend Sec. 41, page 41, line 8, by striking out "professional" and inserting: practitioner

Amend Sec. 41, page 41, line 28, by striking out "professional" and inserting: practitioner

Amend Sec. 41, page 41, line 30, by striking out "professional" and inserting: practitioner

Amend Sec. 41, page 42, line 5, by striking out "professional" and inserting: practitioner

Amend Sec. 41, page 42, line 8, by striking out "professional" and inserting: practitioner

Amend Sec. 42, page 42, line 16, by striking out "professional" and inserting: practitioner

Amend Sec. 42, page 43, line 4, by striking out "professional" and inserting: practitioner

Amend Sec. 43, page 43, line 15, by striking out "an" and inserting: on

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.

SENATE AT EASE

Senator STAUFFER. Mr. President, if we could be at ease for just a moment, my understanding is that the amendment we have been waiting on for Senate Bill No. 1204, the final bill, has come down. It is being quickly proofed, and we will be ready to move ahead in just a moment.

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

CONSIDERATION OF CALENDAR RESUMED

SB 1204 CALLED UP

SB 1204 (Pr. No. 1572) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator STAUFFER.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AMENDED

SB 1204 (Pr. No. 1572) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the allocation of private activity bonds subject to a State ceiling under Federal legislation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2, page 1, by inserting between lines 15 and 16:

"Eligible project costs." Costs of the project which may be financed under the legislative authority for issuance of private activity banks for the project.

Amend Sec. 2, page 2, line 11, by striking out "Local issuing" and inserting: Issuing

Amend Sec. 2, page 2, line 11, by striking out "local authority" and inserting: government entity

Amend Sec. 2, page 2, lines 11 and 12, by striking out "ready, willing and able" and inserting: authorized

Amend Sec. 2, page 2, line 14, by striking out "local" and inserting: legally authorized

Amend Sec. 2, page 2, by inserting between lines 19 and 20:

"Professional business." A business enterprise limited under this act to doctors, lawyers and accountants.

Amend Sec. 2, page 2, lines 21 and 22, by striking out "one tenant and subject to limits as set forth" in line 21, all of line 22 and inserting: 25% of its floor space occupied by doctors, dentists, lawyers and accountants, and their support staff.

Amend Sec. 2, page 2, line 25, by striking out "A retail or commercial" and inserting: An

Amend Sec. 2, page 2, line 27, by inserting after "OF": durable and nondurable

Amend Sec. 2, page 2, line 27, by striking out "END USERS" and inserting: final or ultimate consumers

Amend Sec. 2, page 2, lines 29 and 30; page 3, line 1, by striking out all of said lines on said pages and inserting:

"Small issues." Private activity bonds subject to the principal amount restrictions under section 103(b)(6) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 103(b)(6)).

"State ceiling." Maximum amount of private activity bonds which may be issued in this Commonwealth in a given year as provided in section 103(n)(4) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 103(n)(4)).

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

Amend Sec. 3, page 3, line 25, by striking out "PROJECTS" and inserting: Applicants

Amend Sec. 3, page 3, line 27, by striking out "SECRETARY OF THE DEPARTMENT OF LABOR AND INDUSTRY" and inserting: authorized issuing authority

Amend Sec. 5, page 4, line 13, by striking out "local"

Amend Sec. 5, page 5, line 27, by striking out "SMALL BUSINESS" and inserting: Professional office building

Amend Sec. 5, page 5, lines 27 through 29, by striking out "PROJECT OF WHICH MORE THAN" in line 27, all of line 28 and "ACCOUNTANTS" in line 29 and inserting: professional office building project

Amend Sec. 5, page 5, line 30, by striking out "FINANCING" and inserting: allocation

Amend Sec. 5, page 6, line 1, by striking out "Professional office buildings" and inserting: Commercial projects

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

Amend Sec. 5, page 6, lines 7 and 8, by striking out "administrative or corporate facilities" and inserting: corporate, national or regional headquarters

Amend Sec. 5, page 6, line 21, by striking out "LOCAL"

Amend Sec. 6, page 7, line 25, by striking out "local"

Amend Sec. 6, page 8, line 18, by inserting after "the": original

Amend Sec. 6, page 8, line 23, by striking out "grant" and inserting: allocation

Amend Sec. 6, page 8, line 28, by striking out "local"

Amend Sec. 6, page 8, line 29, by striking out "industrial development" and inserting: private activity bond

Amend Sec. 6, page 10, line 1, by striking out "money" and inserting: amount

Amend Sec. 6, page 10, line 11, by inserting after "requests.": For purposes of this paragraph, multiple allocation request for the same project shall be aggregated and considered as one request.

Amend Sec. 7, page 10, line 26, by striking out "local"

Amend Sec. 7, page 10, lines 27 through 29, by striking out "The secretary shall provide allocation to those" in line 27 and all of lines 28 and 29

Amend Sec. 8, page 11, line 2, by striking out "local"

Amend Sec. 8, page 11, lines 14 through 20, by striking out all of said lines and inserting:

(iii) Approvals of highest elected officials required under section 103(k) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 103(k)) have been obtained.

(iv) The project has been approved by the secretary in accordance with the act of August 23, 1967 (P.L.251, No.102), known as the Industrial and Commercial Development Authority Law; or the project has been otherwise approved under the law of this Commonwealth.

Amend Sec. 8, page 11, line 22, by striking out "local"

Amend Sec. 8, page 11, line 24, by striking out "Local issuing" and inserting: Issuing

Amend Sec. 8, page 11, line 30, by striking out "Local issuing" and inserting: Issuing

Amend Sec. 8, page 12, line 6, by inserting after "request": for the increased amount

Amend Sec. 8, page 12, line 7, by striking out "Local issuing" and inserting: Issuing

Amend Sec. 8, page 12, line 8, by inserting after "the": department and the

Amend Sec. 8, page 12, line 11, by striking out "Local issuing" and inserting: Issuing

Amend Sec. 8, page 12, line 16, by striking out "local"

Amend Sec. 8, page 12, line 19, by striking out "Local issuing" and inserting: Issuing

Amend Sec. 8, page 12, line 23, by striking out "local"

Amend Sec. 8, page 12, line 30; page 13, line 1, by striking out "request for preliminary allocation" and inserting: project

Amend Sec. 8, page 13, line 2, by striking out "local"

Amend Sec. 9, page 13, line 12, by striking out "local"

Amend Sec. 12, page 14, line 6, by striking out "NOT GRANTED, SHALL" and inserting: granted, may

Amend Sec. 12, page 14, line 8, by striking out "REGULATIONS" and inserting: proclamation

Amend Sec. 12, page 14, line 8, by inserting after "LIMITS.": Allocations shall be made prior to the adoption of regulations required under section 3.

On the question,

Will the Senate agree to the amendment?

Senator SINGEL. Mr. President, for the benefit of the Members, particularly on my side of the aisle, what we have here are a series of language tightening amendments that will make Senate Bill No. 1204 more logical and more effective. Having reviewed the amendments and agreeing to the technical nature of them, I would urge an affirmative vote on them.

And the question recurring,

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 SHAFFER.

SB 1041 TAKEN FROM THE TABLE

Senator STAUFFER. Mr. President, I move that Senate Bill No. 1041, Printer's No. 1394, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEES

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

SB 1165 (Pr. No. 1602) (Amended) (Rereported)

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation

and Parole Law," further providing for membership, vacancies, salaries, qualifications and confirmation of board members; further providing for powers and duties of the board; further providing for an advisory committee; and reestablishing the board for a period of time.

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

SB 669 (Pr. No. 1600) (Amended)

An Act amending the act of June 20, 1919 (P. L. 521, No. 258), entitled, as amended, "Transfer Inheritance Tax Law," changing the rate of commission; and making a repeal.

Senator STAUFFER, from the Committee on Rules and Executive Nominations, reported the following bill:

HB 1000 (Pr. No. 2501) (Amended) (Rereported)

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; further providing for the powers and duties of the county boards of elections and certain courts; and eliminating cross-filing for judge, justice of the peace and school directors.

RESOLUTIONS REPORTED FROM COMMITTEE

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

SR 95 (Pr. No. 1469)

A Resolution designating the week of February 9 through February 15, 1986, as "Compassionate Friends Awareness Week."

SR 108 (Pr. No. 1597)

A Concurrent Resolution directing the Joint State Government Commission to study the Mental Health Laws and the Mental Health System of this Commonwealth.

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

POINT OF INFORMATION

Senator LEWIS. Mr. President, I rise to a point of information with respect to committee business.

The PRESIDENT pro tempore. The gentleman from Bucks, Senator Lewis, will state it.

Senator LEWIS. Mr. President, earlier in the day the Senate Committee on Local Government met, and that meeting, by announcement of the chairman, was recessed to be reconvened off the Senate floor during today's Session. Would the Chair please be kind enough to notify us and to advise us at what hour the recessed meeting will be reconvened in conformity with the directions of the chairman from earlier in the day?

The PRESIDENT pro tempore. The Chair is not in a position to advise the gentleman. Only the chairman of that committee could do that. I have no idea and would not be in a position to state when.

Senator LEWIS. Mr. President, we would certainly have no objection to waiting here until the chairman returns to give us that advice, inasmuch as he did in that public meeting openly and publicly state that this meeting was to be reconvened today during today's Session, and it appears that this Session is quickly winding to an end. Although I think it is probably not in line to discuss the reasons and the importance of calling this meeting, it was announced that this meeting would be held, and it seems, since this Session is drawing to a close, it would be appropriate for the Chair to announce the reconvening of that meeting in an appropriate room at this point.

The PRESIDENT pro tempore. The Chair can only do that at the request of the chairman of the committee, and the Chair learned long ago that he does not speak for Senator Pecora.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Ross Bicker, Mr. and Mrs. Matthew Engler and to Mr. and Mrs. Joseph L. Krumenacker by Senator Early.

Congratulations of the Senate were extended to Roland V. Massimino and to Michael C. Rainone, Esquire by Senator Fumo.

Congratulations of the Senate were extended to Jeffrey S. Diamond by Senator Holl.

Congratulations of the Senate were extended to Carl E. Maier, Jr. by Senator Jubelirer.

Congratulations of the Senate were extended to Hilda W. Burns by Senators Jubelirer, Zemprelli and Moore.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Rhodes by Senator Lincoln.

Congratulations of the Senate were extended to Mrs. Helen Sheets Temple, Mr. and Mrs. William D. Emery, Mr. and Mrs. George D. Bebble, Mr. and Mrs. Robert H. Loreman and to Mr. and Mrs. Stanley Ted Kujawa by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Falcione, Sr., Mr. and Mrs. Stanley Kreminsky, Mr. and Mrs. Ernest Ross, Mr. and Mrs. James Spallino, Mr. and Mrs. James Daniloff, Mr. and Mrs. Raymond Marquis, Mr. and Mrs. Robert D. Miller, Mr. and Mrs. Ken Robinson and to J. Wendell Ramey by Senator Stout.

Congratulations of the Senate were extended to the Maplewood High School 1985 Volleyball Team and to the Youngstown Area Jewish Federation by Senator Wilt.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 669, 735, 1012, 1058, 1081, 1178, 1194, 1208, HB 209, 971 and 1635.

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

PETITIONS AND REMONSTRANCES

Senator LEWIS. Mr. President, we have a very distressing situation at hand for which every Member of this Senate ought to feel personally embarrassed. Fortunately, there is still time for something to be done and I would, therefore, particularly ask, Mr. President, that you and the Majority Leader pay careful attention to the items which I am going to discuss because I think the only opportunity for preventing a very unfortunate situation now lies in your hands.

The Senate Committee on Local Government met earlier in the day for the purpose of discussing, reviewing and debating some very lengthy and important proposed regulations. These are regulations which have been promulgated by the Department of Community Affairs and which propose to significantly change the procedures for dealing with community development block grants.

Let me refresh your recollection. It was merely about a year and a half ago when this Senate, recognizing some long-standing concerns that had been expressed, including the allegations of politicalization of the process by which community development block grants were being distributed by the Department of Community Affairs, agreed to change that process. We adopted legislation which became Act 179 of 1984. Among other things, that legislation established with respect to the preponderance of the monies available for this program the legislative intent that they were to be distributed, based not upon pure discretion or whim, as monies had previously been distributed, but based upon an entitlement formula. That was the clear and expressed language and directive of this General Assembly. Many of us are concerned that the lengthy regulations that have been promulgated will do significant violation to that legislative intent, and a discussion about these proposed regulations was undertaken in this committee meeting. It became apparent that all of us needed a great deal more information and, in recognition of that, the chairman of the committee asked if we would like to have the meeting recessed so that those of us who were raising questions, as well as he himself, could look into the matter so that we could act in a fully informed way. We agreed that was the smart way to proceed. He suggested that we recess the meeting until tomorrow which seemed to be a perfectly acceptable suggestion. However, someone who was more familiar with the time schedule than the rest of us called to our attention the fact that the committee had to act today. Upon hearing that, the chairman then announced that we would recess the committee until later today when we would convene off the floor before the conclusion of the Session. He asked those of us in the Minority if that was acceptable to us, and we told him that it was not only acceptable, we were pleased because we would

then have the time to look into the issue. Well, Mr. President, we are standing here at the conclusion of this day's Session, and the chairman of that committee has failed and refuses to reconvene this meeting, which he specifically promised to all of the Members of that committee and the public at large would be reconvened before the conclusion of today's events. That to me is intolerable. It is an indictment of the weakest infirmities of this system, and if any of us are simply going to sit back and yawn and try to make believe this is not important or it does not affect us, then I suggest we are truly asking to have visited upon us the scorn and the wrath of the public and we would deserve it if that occurred. What a violation to the institution of the Senate to permit that kind of trickery, that kind of outright misstatement by a committee chairman, and the consequences are severe. We have no tomorrow. The language of the law says that if this Chamber does not act within the prescribed time period, and that time period will end at midnight tonight, not only are those regulations deemed to be approved, but of greater importance, we lose the right, in the event that IRRC also agrees to their implementation, and the opportunity to file a concurrent resolution to try to knock down those proposed regulations.

Mr. President, it was my clear sense that a majority of the Members of that committee were concerned enough about this situation that they wanted the opportunity to express their opinions and to be voted on the issue, and I am convinced that had this meeting been called as promised, that a majority of the Members would have voted in the negative with respect to these amendments.

I am pleased to see that the chairman of the committee has returned to the floor, and I hope it is for the purpose of announcing to us at what time and at what place this recessed meeting will be held so that we can proceed to discuss this important business. With that hope, Mr. President, I will stop these comments at this moment to see what kind of enlightened commentary the chairman may share with us.

The PRESIDENT pro tempore. The Chair is pleased to welcome back to the floor the distinguished gentleman from Allegheny County, Senator Pecora.

Senator PECORA. Mr. President, I was finishing the work pertaining to what the gentleman from Bucks, our great Senator Lewis, has stated on the Senate floor. He had some statements here that he must have been incorrect in his assumptions. During the meeting he stated that I did call for a recessed meeting for tomorrow, Wednesday, at 10:00 o'clock, which I did. At that time the majority of our committee left the committee meeting under the assumption that we recessed until tomorrow at 10:00 o'clock. Then a gentleman from the audience said that we must proceed today because we had a twenty-day deadline to have these regulations agreed to, accepted or not accepted. In the discussion there were three Senators present: the gentleman from Bucks, Senator Lewis, the gentleman from Washington, Senator Stout and the gentleman from Cambria, Senator Singel. I said, well, if this is true, maybe I can call a recessed meeting off the Senate floor. Remember one thing, Mr. President, I did not comply and

discuss it with the other Senators of the committee until I came to the Senate floor because they left the meeting. After that I notified the majority of the Senators of the twenty-eight amendments which at one time I sent twenty-six amendments to my fellow Senators on the other side of the caucus who said it was sent to them nineteen days ago. I received the information twenty days ago. Immediately my staff and I worked on the rules and regulations. We have a letter from the Commonwealth of Pennsylvania, Department of Community Affairs, that they have accepted the twenty-eight amendments that my fellow Senators did not have time to evaluate. There were twenty-eight changes made on the rules and regulations which I think benefits everyone in this Commonwealth that I, as an individual, took the time in the nineteen-day period to work my fanny off to try and improve these regulations. My staff put a tremendous amount of hours in volunteer work with me to do a good job representing our Commonwealth. But, since the error was made that I recessed until Wednesday at 10:00 o'clock, some gentlemen felt that it should stay status quo, that I do not have the priority to make that agreement with my fellow Democrats to meet earlier or any other time. It was done. The committee meeting was recessed and discussion continued, and being the nice person that I am, I listened to their comments. I try many times to work within the system with both parties, not to play silly games as my fellow Democrats do many times. They asked me to introduce an amendment for them on a piece of legislation, and so I agreed. I had the amendment prepared, and at the next meeting they voted against their own amendment. I accept this as errors and problems that can happen because they are probably busy in their politics and not as interested in doing their job as I, a Senator who is dedicated to his constituents. I put many extra hours in, and I do a good job. I feel that all of my amendments have been agreed to. The rules and regulations that will be initiated are not political, they benefit everybody, and I see no need to call the meeting. I notified my fellow Democrats and I told them they have the prerogative to take the initiative to criticize me. I feel everybody has that prerogative. I know I have done my job as an individual, I will continue to, and they can play their silly games.

LEGISLATIVE LEAVE CANCELLED

Senator ROMANELLI. Mr. President, I would like the record to show I have returned to the floor.

The PRESIDENT pro tempore. The Chair is pleased to note the presence on the floor of Senator Romanelli. His temporary Capitol leave will be cancelled.

PETITIONS AND REMONSTRANCES

Continued

Senator SINGEL. Mr. President, before the chairman of the Committee on Local Government leaves the floor, and I realize we are under Petitions and Remonstrances, I wonder if he would agree to a brief question and answer game?

The PRESIDENT pro tempore. Senator Pecora, Senator Singel wishes to know if you will stand for interrogation, yes or no?

Senator PECORA. Mr. President, I feel no, because he had the opportunity at our committee meeting.

The PRESIDENT pro tempore. He has declined to do so, Senator Singel.

POINT OF ORDER

Senator SINGEL. Mr. President, then I have a point of order to propose to the Chair.

The PRESIDENT. The gentleman from Cambria, Senator Singel, will state it.

Senator SINGEL. Mr. President, is there anything that would preclude the gentleman from calling a meeting of the Committee on Local Government at this moment, a reconvening of the recessed meeting that we were promised?

The PRESIDENT pro tempore. I am advised by the Secretary of the Senate that there was never any awareness made to him that the Minority Leader and/or the Majority Leader had agreed to a meeting off the floor and, thus, it has to be announced before the Session begins. I am advised by the Secretary that he did not announce it because he was never so advised to do so. Therefore, it would seem that under the Rules there could not be a meeting held off the floor at this time.

Senator SINGEL. Mr. President, it is fortunate that both the Minority Leader and the Majority Leader are on the floor. I would pose the question to each of them as to whether or not they had been approached and, in fact, had given their approval to a continuation of the recessed meeting? My understanding is that they have.

The PRESIDENT pro tempore. The agreement of the Minority Leader and the Majority Leader is secondary to the fact that it would have to be announced before the Session and that has not been done.

Senator SINGEL. Mr. President, then let me direct my question to you in your capacity as the Presiding Officer. Why was that not done if, in fact, he was notified by both the Majority Leader and Minority Leader that there was a recessed meeting of the Committee on Local Government to resume?

The PRESIDENT pro tempore. Senator Singel, with all due respect to you, and I suggest that you asked that question in great frustration and sincerity, I cannot answer. I have no knowledge of this entire situation, and it is not the Chair's function to answer that question. Only the chairman of the committee could possibly answer that question. I do not know. If the Majority Leader and Minority Leader had given their consent to a meeting off the floor and Senator Pecora, as chairman of that committee, did not notify the Chair or the Secretary, then I would think that Senator Lewis, as the ranking Democratic Minority Chairman of that committee, would be right and proper to notify the chairman that that agreement had been reached because there would have been

something signed to that effect, but nothing was done. I am only answering as to what I theoretically know and the Chair has no knowledge of anything else.

Senator SINGEL. Mr. President, I would like at this moment to yield to our chairman whose facts differ somewhat.

The PRESIDENT pro tempore. You cannot yield, but if you are finished, Senator Zemprelli is the next speaker. If he does not wish to be recognized, Senator Lewis then will be recognized.

Senator SINGEL. Mr. President, before I relinquish, I want to simply reiterate some of the facts that have been brought out by the gentleman from Bucks, Senator Lewis. The fact of the matter is the substantive debate that was begun in the committee this morning was cut short, was preempted by the chairman with the understanding that the discussions would resume when we had the information in more clear form. The truth of the matter is that we were told—the kind word for it is that we were misled into thinking there would be a resumption of the committee meeting at which time we could review the regulations and the amended regulations proposed by the Department of Community Affairs. That meeting has never taken place. That meeting can still take place. If we fail to have that meeting, it means tacitly that we are giving approval to regulations that are wrong, that subvert the intent of Act 179 and that should never proceed with our blessing as a Legislature. I come from a slightly different perspective than the gentleman from Bucks, Senator Lewis, inasmuch as I oppose Senate Bill No. 1379 and the resulting Act 179. It was a lousy piece of legislation, and now has been made worse by regulations that subvert the intent of Act 179 itself. If we have any function at all in the regulatory review process, it is to pass on the acceptability of the regulations put before us. We have been denied that opportunity by the high-handed actions of a chairman who either does not want us to have the opportunity to review the regulations or who simply has been inefficient enough to let the time period slip by in which we are supposed to do our mandated work.

Mr. President, I agree completely that the situation here is one that has ramifications far beyond these particular regulations. There are numerous times that we must work with each other, that a handshake has to suffice in terms of an agreement, that a deal has to be made on an important piece of legislation. I, myself, have had the very pleasant experience of working very diligently with the gentleman from Butler, Senator Shaffer, on the industrial development bonds legislation. Those were grueling sessions with a considerable amount of give-and-take, but always there was the good faith of knowing that when a commitment is made the commitment is kept. A commitment was made in this case to continue the meeting. We were denied that, and I think that what we are doing is setting a precedent here for bad faith that is unnecessary and counterproductive. If the chairman of the Committee on Local Government wants to rectify the situation, he can do so. All he needs to do is call the meeting that he recessed, the meeting he promised we would have and allow us to have a review of the amendments that were foisted upon us today.

The memo from the Department of Community Affairs was dated November 18th. We saw them for the first time today. We had no opportunity to review them, and that is all we were asking. What has been done here has been a major disservice not only to this caucus but to decent government, to the regulatory review process and, in the long run, to small communities throughout this Commonwealth that are going to get short shrift because of ill thought-out regulations and bad legislation that is subverted by worse regulation.

Mr. President, I do sincerely hope that the gentleman, the chairman of the committee, changes his mind, changes his attitude, calls the recessed meeting and we get on with the business that we are paid to do.

Mr. President, might I be permitted to ask the chairman a few questions? I would like to interrogate him in the course of my petitions and remonstrances.

The PRESIDENT pro tempore. The chairman of what, Senator Singel?

Senator SINGEL. Mr. President, the Minority Chairman of the Committee on Local Government.

The PRESIDENT pro tempore. Do you wish to interrogate Senator Lewis?

Senator SINGEL. That is correct, Mr. President.

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

Senator LEWIS. I will, Mr. President.

Senator SINGEL. Mr. President, it has been stated here that there has been no official convening of the recessed meeting and there has been no official notification or colloquy between you and the Majority chairman regarding this meeting. Can the gentleman elaborate on that? Is that, in fact, the case?

Senator LEWIS. Mr. President, that is not, in fact, the case. In furtherance of what we all know to be the established procedure, I received from the gentleman from Allegheny, Senator Pecora, the chairman of the committee, the appropriate form sometime this afternoon asking for my signature and for my approval to ask to have a meeting called off the floor during today's Session. In due course and with the proper procedures of this Senate, I signed that document and had it returned to the gentleman from Allegheny, Senator Pecora, who had impliedly indicated to all of us that, in furtherance of his statement in the committee room, he was going to return that to the Secretary, with copies to the appropriate floor leaders, indicating our intention to call that meeting off the floor.

Senator SINGEL. Mr. President, then is it the gentleman's understanding that the appropriate leadership officials were notified?

Senator LEWIS. Mr. President, when we came to the floor today this issue was foremost on my mind. Those Members who may have been watching may have noticed me over on the other side of the aisle four or five or six times today. I might say that on one or two of those trips I gathered information not relating to these particular regulations for which I am most grateful, and it helped me during the course of

debate and voting. But my purpose in being over there every one of those times was to check with the chairman of this committee about when we were holding this meeting off the floor. During the course of every one of those meetings he indicated to me that it was a question of a little bit more information that he needed about the impact of the failure to hold the meeting and then he would let us know what the precise time would be. In fact, it was only after he was advised of the very impact of the failure to hold the meeting, about which we have spoken here, namely, that those regulations become operative because of our failure to do anything, that he then came to me and said he was not going to reconvene the meeting as had previously been promised. Mr. President, the answer to the gentleman's question is, that diligently throughout the day's activities on the floor of the Senate and prior to that with signing the appropriate form, I had been pursuing and had been led to believe by word and deed of the chairman that this meeting was going to be convened as promised sometime before this Session ended today.

Senator SINGEL. I thank the gentleman for his responses, Mr. President, and I thank you and the other Members of the Senate for allowing me to vent this frustration.

PETITIONS AND REMONSTRANCES

Continued

Senator ZEMPRELLI. Mr. President, I think it is important for me to make some short remarks about this subject matter because it is a source of irritation to me as to some of the events that have happened. I, unfortunately, am not in a position to address myself to the merits or the importance of the specific legislation we are talking about. However, I do recall that today there was presented to me a request to have a meeting called off the floor of the Senate. It was early in the afternoon, and I agreed to that after having checked with the gentleman from Bucks, Senator Lewis, the Minority Chairman of that committee, that it was in order as far as he was concerned. The issue is, what is the meaning of that kind of authorization? It is a permission to conduct a meeting. There is also impliedly in that permission the fact that the meeting will be held. The gentleman from Cambria, Senator Singel, has suggested that he was misled. My concern is—and, of course, we are dealing with the definition of words and accusations and words—that I would wonder whether or not there was some subterfuge that was used in the bringing of this thing about where others were misled or not misled but led to believe knowing that the meeting would never take place. I would hope that the latter is not true because if it is, we have reached a new low stage in the conduct of our business. I think the dignity of the Senate is involved in this procedure, and I regret that we would stoop to those methods in order to avoid having a meeting on matters that may not meet with our specific tastes on a subject matter. I think this whole example of what transpired with respect to this committee is extremely regrettable, and I would hope that we would look into the matter as to what was the real purpose for this meeting not coming off.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair is pleased to welcome back to the floor Senator Ross and his temporary Capitol leave will be cancelled.

PETITIONS AND REMONSTRANCES

Continued

Senator STAUFFER. Mr. President, I listened to the remarks of the Minority Leader, and one remark that he made prompts me to give a very brief response. In the first instance, let me indicate that I will agree with him that I, too, was requested to approve among, I guess, three requests today for permission to hold a meeting off the floor by the Committee on Local Government. However, the point of issue I take with the gentleman from Allegheny, Senator Zemprelli, is his statement that when we give that approval, there is an implication that there is a commitment of some kind made in that regard. I do not believe that is this case, and I do not believe we should let the record indicate that we have done any more than approve an option a committee chairman may exercise when he makes that request, because I think he and I both know there are those occasions when we are requested to give that approval and we both recognize it is necessary that an announcement be made at the start of a Session that this permission has been granted, and we full well recognize that there are those instances when that option may not be exercised but we have approved it as just that, an option.

Senator ZEMPRELLI. Mr. President, there is no question that when there is a recognition that a gentleman's agreement shall prevail and people act as gentlemen that this system runs a lot better. I have some doubt as to the sincerity of some of the things that have been said here by some of the parties who have made the statements, not on this side of the aisle, specifically with respect to the fact that you now rest upon the technicality of having called or announced the fact that a meeting would be called from the floor of the Senate. When I hear that, I get disturbed because that looks like a defense because you know and I know there have been many meetings called off the floor of this Senate that have not been announced prior to the commencement of the ceremonies or the day's proceedings. I can count many of them that have been granted while the Session was on because it was felt that the best interests of this Body would be conducted, so when you come back and say you defend on the basis that no such authorization would take place unless it was announced, I say poppycock.

Senator STAUFFER. Mr. President, I would remind the gentleman of one thing, and that is, it is not poppycock. He well knows that his refusal to agree for the announcement of the possibility of an off-the-floor meeting on the day in which we were considering the budget items caused us many hours of delay in the consideration of the budget because we could not start the Session, hoping that we could negotiate and settle an issue. I do not treat that as something very minor and that we

frivolously ignore. I think we have very rigidly followed that understanding and that rule.

Senator ZEMPRELLI. Mr. President, I would suggest that the gentleman is in error. However, the principle having been stated, then I will assume that from now on, from this point on, there will be no meetings called while this Senate is in Session except those that have been previously announced by the Secretary. That has not been the case, and I can demonstrate that it has not been the case. Mr. President, it is not just this particular event today, and I think maybe by airing it out now, very briefly, we can sort of give reason why there is deep suspicion as to what the purpose is for all of this.

Number one, we have a committee chairman running around with a bill in his pocket for five days that all of us have been anxious to find out why it has not been reported across the desk in customary fashion as might be expected from a committee chairman who has been authorized to release a bill from committee. Also, we have knowledge that both the Majority Leader and the Minority Leader have signed an authorization to have a meeting conducted. That authorization is tucked in his pocket someplace because I believe the Secretary when he said that he has never received it and, therefore, it was never read.

Mr. President, with these two circumstances alone, can you blame people for being suspicious as to what this process is all about or what the motivation and purpose are of those kinds of activities? I would like to know what the reason is for a committee chairman running around and not reporting a bill from committee for five days. What possible difference can it make with respect to legislation that he would want to keep that bill from being reported across the desk? I would like to know why I was asked to approve a meeting in which the approval was granted and that authorization has never seen the light of day? It never got out of his pocket or somebody's pocket. Is that a deliberate action? I suggest to you it is, and all I would like to know is what the rationale is for that kind of action? It is a sad day when we resort to those kinds of tactics in the administration of justice and, otherwise, in this Chamber.

Senator LEWIS. Mr. President, I watched the Majority Leader with some discomfort as he attempted to explain or defend the indefensible and the inexplicable, because I know he is an individual of great personal esteem and I know this must trouble him as much as it does the rest of us on this side of the aisle, because to move away from the events for a moment, I think in the bigger and broader sense, it really is the institution of the Senate that is coming under attack here this evening. What we are doing is seeing how one individual, exercising poor judgment, abusing the spirit if not the commitment that was openly and publicly made, is now attempting to hide behind technicalities of Senate Rules that were never intended to try to provide that kind of defense. I have no doubt that it troubles the gentleman to have to try to shield someone who has brought the institution of the Senate into such disregard. Because the truth of the matter is, if this Body and if its procedures are not bigger and more important than

the ill-advised acts of any one of us, then we all have much more to fear than the specific events of this day, and I think he would agree with me on that point. We hear from the Minority Leader and Majority Leader that they both signed the approvals for this meeting. You have heard me state in response to the questioning from the gentleman from Cambria, Senator Singel, that I signed the approval for this meeting. Now, we know that when the floor leaders do this, they are not privy to whatever the commitments or discussion may have been that went on leading up to the anticipation of a meeting off the floor, but I have told you what the promises were that were made in an open public meeting earlier today by the chairman of that committee. We now have to wonder what has happened to all of these documents? What kind of design or malicious or malevolent intent may have been present in the first instance if he simply rolled up those papers and stuck them in his pocket and marched around this Chamber continuing to mislead those of us who were concerned about the situation, knowing full well that the apparently obligatory documents were never delivered as we had all expected and had been led to believe had occurred?

You know, Mr. President, I have to take particular concern over a comment that the gentleman from Allegheny, Senator Pecora, made—I am not sure I heard him correctly. I think I did, but I wish he were here to stand up and deal with the situation—that he, too, was very concerned about these proposed regulations, and that he and his staff, after working their tails off for nineteen days, had developed twenty-eight amendments which were submitted to the Department of Community Affairs and which they have agreed to incorporate in the proposed regulations, which, therefore, make these proposed regulations okay and we should all be happy and satisfied with it. Mr. President, I want to tell you that I have not seen any of these supposed changes or amendments which I am now told make this okay, and I think an indefensible process has now been rendered absolutely absurd. Under what circumstances can the chairman of some committee unilaterally prepare proposed amendments to regulations, get them accepted or approved by the Administration and never even share them with the committee which is charged under the laws of this Commonwealth to review them? I do not understand that. Are we now engaged in misstatement, misdirection and regulation by the fiat of some committee chairman who thinks he can pocket signed documents and walk around and do whatever he damn well pleases without respect to the laws of this Commonwealth and the commitments that have been given to other Members of this Senate? What a sad day this is, what a very, very sad day.

POINT OF INFORMATION

Senator LEWIS. Mr. President, I rise to a point of information.

The PRESIDENT pro tempore. The gentleman from Bucks, Senator Lewis, will state it.

Senator LEWIS. Mr. President, I have to wonder and I would ask as a point of information from the Chair if the gentleman from Allegheny, Senator Pecora, returned to the floor and asked the Chair to announce the reconvening of the recessed meeting of the Committee on Local Government, would it be in order for him to so reconvene this meeting?

The PRESIDENT pro tempore. Under the Rules, it would be a violation because it was not announced. That is the letter of the Rule, Senator, and that is the only way I can answer.

Senator LEWIS. Mr. President, in light of that, is it in order at this time for me to move that we suspend those Rules for the purpose of permitting the gentleman to make that request if he so chooses? If that motion is in order, I so move that we suspend that portion of the Senate Rules and ask for a roll call vote.

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

MOTION TO SUSPEND RULE

Senator LEWIS. Mr. President, I move that the appropriate portion of the Rule which requires that an announcement be made by the Secretary at the commencement of a day's Session in order for a recessed meeting to be held off the floor be suspended.

The PRESIDENT pro tempore. Senator Lewis has moved that Senate Rule XVI, subsection 7, be suspended.

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

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

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

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

Senator LEWIS. I want to suggest the absence of a quorum, Mr. President, that I believe that is joined in by—

The PRESIDENT pro tempore. The gentleman would be in order after the announcement by the Clerk.

Senator LEWIS. Mr. President, I think it is in order before the announcement of a final vote.

The PRESIDENT pro tempore. The Parliamentarian advises me it is in order after the vote is called.

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

YEAS—9

Andrezeski	Lewis	Rocks	Stout
Fumo	Mellow	Romanelli	Zemprelli
Hankins			

NAYS—11

Bell	Jubelirer	Moore	Stauffer
Fisher	Kratzer	Pecora	Tilghman
Holl	Loeper	Salvatore	

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

ABSENCE OF QUORUM

Senator LEWIS. Mr. President, in light of the announcement of the number of Senators who have voted on this issue, I want to suggest the absence of a quorum and ask the Chair to proceed in accordance with the Senate Rules.

The PRESIDENT pro tempore. That would need a four Senators seconds.

Senator MELLOW. Mr. President, I second the motion.

Senator ZEMPRELLI. Mr. President, I second the motion.

Senator ROMANELLI. Mr. President, I second the motion.

Senator ANDREZESKI. Mr. President, I second the motion.

The PRESIDENT pro tempore. The doors of the Chamber will be barred, and the Clerk may proceed with another roll call.

The Clerk called the roll and the following Senators were present:

Andrezeski	Jubelirer	Pecora	Stauffer
Bell	Kratzer	Rocks	Stout
Fisher	Lewis	Romanelli	Tilghman
Hankins	Loeper	Salvatore	Zemprelli
Holl	Mellow		

The PRESIDENT pro tempore. There being eighteen Members present, that is less than a quorum.

ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Wednesday, November 20, 1985, at 11:00 a.m.

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

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Bucks, Senator Lewis, will state it.

Senator LEWIS. Mr. President, it seems to me that under a reading of the Rules and the request I made when I asked for a quorum call, in accordance then to have the Chair do those things in accordance with the Rules of the Senate, as I read the Rules, they specifically direct what is to be done upon the discovery of the absence of a quorum, and those procedures have not yet been implemented. I want to specifically direct the attention of the Chair to what I believe is Rule XXIX, subsection 2, headed, "When Less than a Quorum is Present," and respectfully suggest that any motion at this point is out of order in light of that Rule of the Senate.

The PRESIDENT pro tempore. It has been moved by Senator Stauffer the Senate do now adjourn until Wednesday, November 20, 1985, at 11:00 a.m., Eastern Standard Time.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—10

Bell	Jubelirer	Pecora	Stauffer
Fisher	Kratzer	Salvatore	Tilghman
Holl	Loeper		

NAYS—7

Andrezeski	Mellow	Romanelli	Zemprelli
Lewis	Rocks	Stout	

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

The PRESIDENT pro tempore. The Senate stands adjourned until Wednesday, November 20, 1985, at 11:00 a.m., Eastern Standard Time.

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