

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 9, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 76

SENATE

MONDAY, December 9, 1985.

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

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

PRAYER

The Chaplain, the Reverend Mr. PAUL D. MARSDEN, Pastor of Bethany United Methodist Church, Marysville, offered the following prayer:

Let us pray.

Eternal God, our Heavenly Father, You who are the Supreme Ruler, the Great Governor of all the world, we pray this day for all those who hold public office and power of any form and capacity in our government. We pray especially at this time for all those who are assembled in this place now and for those whose place or responsibility is also centered in this Senate Session, that You, O God, strengthen the sense of duty that is inherent in political life and grant that these who have accepted the servanthood of their position in state government may feel deeply the responsibility they have assumed. May they know more deeply because of their position that any diversion of their public powers for private ends is a betrayal of their commitment to their high office.

Dear God, as the issues that arise demand solutions and decisions, may it be that all who wrestle and struggle with the right may be given the wisdom and knowledge to meet the challenges with honor and dignity, courage and commitment, truth and justice. We commit to You, O God, all of the activities of this Body this day and pray that You would lead all who serve to honest and just action. Bless each one this day with Your presence and love. In the name of Your Son, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks the Reverend Marsden who is the guest this week of Senator Moore.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 4, 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 have been advised by Senator Hopper, the Chairman of the Committee on Aging and Youth, that the following Members are attending a committee meeting and would ask for temporary Capitol leave for them: Senator Hopper, Senator Shaffer, Senator Kratzer, Senator Salvatore, Senator Andrezeski, Senator Jones, Senator O'Pake and Senator Rocks.

In addition, I would ask for a temporary legislative leave for Senator Jubelirer.

The PRESIDENT. Are there objections to the following leaves: temporary Capitol leaves for Senator Hopper, Senator Shaffer, Senator Kratzer, Senator Salvatore, Senator Andrezeski, Senator O'Pake, Senator Jones and Senator Rocks and a temporary legislative leave for Senator Jubelirer?

Senator LINCOLN. Mr. President, I have one additional leave, a temporary Capitol leave for Senator Zemprelli.

The PRESIDENT. And a temporary Capitol leave for Senator Zemprelli. The Chair hears no objection. Those leaves are granted.

LEAVE OF ABSENCE

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1103, 1114, 1115, 1116 and 1117, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bills, as amended, will be placed on the Calendar.

HOUSE BILLS FOR CONCURRENCE

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

December 4, 1985

- HB 793 — Committee on Labor and Industry.
HB 986 — Committee on State Government.

HB 1888 — Committee on Agriculture and Rural Affairs.

December 9, 1985

HB 784 — Committee on Rules and Executive Nominations.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

December 4, 1985

Senators BRIGHTBILL, SALVATORE and SHUMAKER presented to the Chair **SB 1255**, entitled:

An Act establishing fines for neglecting to satisfy a mortgage of record.

Which was committed to the Committee on JUDICIARY, December 4, 1985.

Senators FUMO, MUSTO, LINCOLN, JONES, ROCKS, STAPLETON, HANKINS, SALVATORE, LYNCH and WILLIAMS presented to the Chair **SB 1256**, entitled:

An Act amending the act of March 1, 1974 (P. L. 90, No. 24), entitled "Pennsylvania Pesticide Control Act of 1973," further providing for licensing of commercial applicator firms, for licensing and certification of commercial applicators and public applicators, for registration and training of certain noncertified employees, for increased recordkeeping requirements, for additional enforcement authority and additional authority on product registration data review, and for increase of fees.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 4, 1985.

Senators MELLOW, SALVATORE and ANDREZESKI presented to the Chair **SB 1257**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring school bus drivers to illuminate the head lamps of a school bus while transporting students.

Which was committed to the Committee on TRANSPORTATION, December 4, 1985.

Senators PECORA, ROMANELLI, LOEPER, ROSS and SCANLON presented to the Chair **SB 1258**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for an exclusion from sales tax for auto emission control devices and testing equipment.

Which was committed to the Committee on FINANCE, December 4, 1985.

Senators WENGER, KELLEY, MOORE, LYNCH, FUMO, ROMANELLI, BELL and SHUMAKER presented to the Chair **SB 1259**, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," further providing for the powers and duties of the State Horse Racing Commission and the State Harness Racing Commission; further regulating licensing of racing corporations and individuals

involved in racing, handling of funds, and racing employees; further providing for special funds; making editorial changes; and reestablishing the State Horse Racing Commission and the State Harness Racing Commission.

Which was committed to the Committee on STATE GOVERNMENT, December 4, 1985.

December 5, 1985

Senators HOWARD, JUBELIRER, LEWIS, WILT, LOEPER, ROMANELLI, LEMMOND, LINCOLN, SHAFFER, PECORA, BRIGHTBILL, ROSS, KRATZER, SINGEL, KELLEY, PETERSON and MUSTO presented to the Chair **SB 1260**, entitled:

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard and Recovery Act," providing a clarification in the applicable amortization period in certain instances of financial distress.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, December 5, 1985.

LEGISLATIVE LEAVE

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

The PRESIDENT. Is there an objection to a temporary Capitol leave for Senator Williams? The Chair hears none. That leave is granted.

GENERAL COMMUNICATION

RESOLUTION INTRODUCED AND REFERRED

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

December 4, 1985

MEMORIALIZING THE GOVERNOR TO PURSUE THE POSSIBILITY OF FINANCING THE CITY OF PHILADELPHIA CONVENTION CENTER BY MEANS OF PRIVATE INVESTMENT

Senators PECORA, CORMAN, PETERSON and KRATZER offered the following resolution (**Senate Resolution No. 113**), which was read and referred to the Committee on Urban Affairs and Housing:

In the Senate, December 4, 1985.

A RESOLUTION

Memorializing the Governor to pursue the possibility of financing the City of Philadelphia Convention Center by means of private investment.

WHEREAS, The proposed Public Improvement and Additional Transportation Assistance and Redevelopment Assistance Capital Budget Act for 1984-1985, would authorize the expenditure of \$141,100,000 in State funds for the City of Philadelphia Convention Center; and

WHEREAS, This would be in addition to the \$43,900,000 expenditure authorized for the City of Philadelphia Convention Center by act no. 62 of 1984; and

WHEREAS, Past experience has proven that projects of this type can be financed and administered much more efficiently and with more profitability if carried out by private industry instead of by the use of State tax dollars; therefore be it

RESOLVED, That the Senate call upon the Office of the Governor to pursue the possibility of financing the City of Philadelphia Convention Center by means of private investment, instead of the use of millions of State tax dollars; and be it further

RESOLVED, That a copy of the resolution be transmitted to the Honorable Dick Thornburgh.

REPORTS FROM COMMITTEES

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

SB 1260 (Pr. No. 1674)

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard and Recovery Act," providing a clarification in the applicable amortization period in certain instances of financial distress.

HB 784 (Pr. No. 2616) (Amended)

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled "Regulatory Review Act," extending the expiration date of the act.

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

HB 1289 (Pr. No. 1530) (Rereported)

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

HB 1353 (Pr. No. 2615) (Amended)

An Act making appropriations to the Department of Community Affairs and the Department of Public Welfare to establish low-cost shelter for the homeless.

Senator WENGER, from the Committee on State Government, reported the following bills:

SB 1259 (Pr. No. 1672)

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," further providing for the powers and duties of the State Horse Racing Commission and the State Harness Racing Commission; further regulating licensing of racing corporations and individuals involved in racing, handling of funds, and racing employees; further providing for special funds; making editorial changes; and reestablishing the State Horse Racing Commission and the State Harness Racing Commission.

HB 1440 (Pr. No. 1769)

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), referred to as the "Board and Commission Compensation Law," increasing the maximum amount which may be paid annually to members of the State Civil Service Commission, allowing for payment of actual days worked.

RESOLUTION REPORTED FROM COMMITTEE

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

HR 184 (Pr. No. 2617) (Amended)

Memorializing the Governor to recognize individuals who receive Carnegie Medals.

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

DISCHARGE PETITION

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

In the Senate, December 9, 1985.

A PETITION

To place before the Senate the nomination of Anthony J. Mazullo, Jr., as a member of the Environmental Hearing Board.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Anthony J. Mazullo, Jr., Doylestown, Pennsylvania, as a member of the Environmental Hearing Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Edward P. Zemprelli
J. William Lincoln
Robert J. Mellow
James E. Ross
Francis J. Lynch

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the return to the floor of Senator Williams whose Capitol leave will be cancelled.

CALENDAR

SPECIAL ORDER OF BUSINESS

SB 1248 CALLED UP OUT OF ORDER

SB 1248 (Pr. No. 1640) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1248 (Pr. No. 1640) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey to the City of Phila-

delphia a tract of reclaimed land between the old shoreline and present dike line extension of the Delaware River in the Township of Tinicum, Delaware County, Pennsylvania, contiguous to and having common boundaries with lands presently owned by the City of Philadelphia, and to quitclaim other areas near said land taken by the City of Philadelphia for the Philadelphia International Airport.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

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

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.

**GUESTS OF SENATOR WILLIAM J. MOORE
PRESENTED TO SENATE**

Senator MOORE. Mr. President, we have in the gallery today two visitors to the Capitol of Pennsylvania, the wife of the Senate Chaplain for the week, Mrs. Marilyn Marsden, and his mother-in-law, Mrs. Florence Matheny, who is from Chicago. I would request my colleagues in the Senate to give our visitors our usual warm welcome.

The PRESIDENT. Will Senator Moore's guests kindly rise so the Senate may give you its traditional warm welcome.

(Applause.)

SPECIAL ORDER OF BUSINESS

**GUESTS OF SENATOR GIBSON E.
ARMSTRONG PRESENTED TO SENATE**

The PRESIDENT. As a special order of business, the Chair recognizes Senator Armstrong.

Senator ARMSTRONG. Mr. President, with us today we have two very distinguished guests from the People's Republic of China. When I was in China about two months ago, they were with us and they gave us a very, very warm welcome. I was with a group called Friendship Force. With us today we have two of a team of thirteen people from China who are touring the United States on behalf of friendship, and I asked

them if they would come today and say a few words. They are Sueng Yi Ming and Zhao Hung Shen. They have come quite a ways to say hello to us today.

The PRESIDENT. Would our guests please come forward, and would the Senate give them its traditional warm welcome.

(Applause.)

SUENG YI MING (through interpreter, ZHAO HUNG SHEN). First of all, let me appreciate this opportunity given by the President. Your respect to the Senators, the President here and also the representative of the Senate. It is really my pleasure to be able to address you standing on this solemn platform. I think it is a pretty high political treatment towards us. The China Youth Goodwill Exchange program comes here at the invitation of the Friendship Force.

Eight days have passed since we got here, and in the past eight days we have been living in your warmth and a sea of warmth. We have been staying very happy in the sea of your warmth and hospitality. On the way to your town, the Capitol here, I had a conversation with Senator Armstrong, and he asked me what my impression was of the United States. I remember I mentioned two points.

The first point was to the United States, its government; its people have been so friendly to us.

Secondly, I mentioned American people are great people. We have been given a warm welcome by your government and your Senate and your Lieutenant Governor. Also, we have received a warm welcome by your people. We feel we are at home. This fully shows the friendship between our two governments and our two peoples.

Thirdly, when I talked with Senator Armstrong in the car to here—since we stay in people's homes—we realized that your living standards are pretty high. We really appreciate it, and we are impressed by your high living standards.

Another point I am going to mention on top of the three points I mentioned with Senator Armstrong is that on the way to here from Richmond, I realized that woods or forestry cover most parts of your land. We realize it is very helpful for the preservation of nature, and it will benefit construction.

I will take your friendship and your hospitality with me to Beijing. The very purpose of our current visit is to strengthen and to promote mutual understanding and friendship between us. In the past eight days, initial results have been seen.

Once again, I want to express how appreciative I am to have this opportunity to address you, the Senators, and the Lieutenant Governor, and our togetherness right now is the manifestation of the friendship.

Since I am in China and I take charge of hotel arrangements in Beijing, so through Senator Armstrong, please come to Beijing. I will return your hospitality.

Finally, I want to thank you again for giving me this opportunity and honor. Come to China through Senator Armstrong, and I will give you a reservation, good hotel, good meal, everything good. Thank you very much.

(Applause.)

RECESS

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

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

AFTER RECESS

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

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, prior to considering the Calendar, I would like to request a temporary Capitol leave for Senator Moore and legislative leaves for Senator Armstrong and Senator Madigan.

The PRESIDENT. Are there any objections to the following leaves: a Capitol leave for Senator Moore and legislative leaves for Senator Armstrong and Senator Madigan? The Chair hears none. Those leaves are granted.

LEGISLATIVE LEAVES CANCELLED

Senator STAUFFER. Mr. President, I would request that the leaves which were granted earlier to Senator Jubelirer, Senator Hopper, Senator Shaffer, Senator Kratzer and Senator Salvatore be cancelled.

The PRESIDENT. The requests of the Majority Leader cancels the temporary legislative leave for Senator Jubelirer and the Capitol leaves for Senator Hopper, Senator Shaffer, Senator Kratzer and Senator Salvatore.

CONSIDERATION OF CALENDAR RESUMED**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS****SENATE NONCONCURS IN HOUSE AMENDMENTS**

SB 417 (Pr. No. 1643) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for an Appalachian States Low-Level Radioactive Waste Compact.

Senator STAUFFER. Mr. President, I move the Senate do nonconcur in the amendments made by the House to Senate Bill No. 417, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

BILL OVER IN ORDER TEMPORARILY

SB 615 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the return to the floor of Senator O'Pake.

CONSIDERATION OF CALENDAR RESUMED**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS****SENATE NONCONCURS IN HOUSE AMENDMENTS**

SB 901 (Pr. No. 1627) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," providing that a plat for land abutting a State highway shall not be approved until a highway occupancy permit is issued or it is determined that none is required; and further providing for regional hearing boards.

Senator STAUFFER. Mr. President, I move the Senate do nonconcur in the amendments made by the House to Senate Bill No. 901, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair notes the return to the floor of Senator Zemprelli, Senator Jones and Senator Rocks.

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, Senator Hankins was called from the floor to attend to legislative matters. I would ask for a temporary Capitol leave on his behalf.

The PRESIDENT. Any objection to a temporary Capitol leave for Senator Hankins? The Chair hears none. That leave is granted.

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 902 (Pr. No. 1628) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1976 (P. L. 919, No. 170), entitled "An act providing for the approval or disapproval of applications for a permit relating to the construction or maintenance of improvements to real estate," providing that a permit shall not be issued unless a highway occupancy permit is obtained in certain cases.

Senator STAUFFER. Mr. President, I move the Senate do nonconcur in the amendments made by the House to Senate Bill No. 902, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

BILL OVER IN ORDER

SB 1052 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 307 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

HB 316 (Pr. No. 2612) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), known as the "State Highway Law," authorizing municipalities to perform certain work on State highways within municipal boundaries; providing relief for tort liability for such work; and authorizing certain payments and reimbursements.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 561), page 2, by inserting between lines 17 and 18:

(d) Nothing contained in this subdivision shall impair, suspend, contract, enlarge, extend or affect in any manner the powers and

duties of the Pennsylvania Public Utility Commission as contained in sections 2702, 2703 and 2704 of Title 66 of the Pennsylvania Consolidated Statutes (relating to public utilities).

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.

BILLS OVER IN ORDER

HB 568, 677 and SB 757 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

HB 808 (Pr. No. 910) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for certain annual assessments.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 5, by removing the period after "assessments" and inserting: ; and increasing the millage rates for certain taxes in counties of the second class.

Amend Bill, page 2, by inserting between lines 1 and 2:

Section 2. Section 1970 of the act, amended July 6, 1984 (P.L.638, No.131), is amended to read:

Section 1970. Tax Levies.—No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed. The county commissioners shall fix, by resolution, the rate of taxation for each year. The tax levied shall be for the purpose of creating a general fund to pay expenses incurred for general county purposes, for the payment of the matters connected with roads provided for in subsection (g) of section 2901 hereof, for the payment of the matters connected with parks and related matters provided for in sections 3007 and 3035 hereof. No such tax in any county of the second class, shall in any one year exceed the rate of [twenty] twenty-five mills on every dollar of the adjusted valuation: Provided, however, That the rate of taxation for payment of interest and principal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act," or any prior or subsequent act governing the incurrence of indebtedness of the county shall be unlimited. No tax for general county purposes in any county of the second class A shall in any one year exceed the rate of thirty mills on every dollar of the adjusted valuation: Provided, however, That the rate of taxation for payment of interest and principal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act," or any prior or subsequent act governing the incurrence of indebtedness of the county shall be unlimited. In fixing the rate of taxation, the county commissioners if the rate is fixed in mills, shall also include in the resolution a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

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

3

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

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

YEAS—48

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

NAYS—1

Early

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

The PRESIDENT. House Bill No. 808 will go over, as amended.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 954 (Pr. No. 2614) — 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 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	Jones	Musto	Shumaker
Brightbill	Jubelirer	O'Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stout
Fisher	Lemmond	Reibman	Tilghman
Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Williams
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli

NAYS—1

Stauffer

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

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

BILLS OVER IN ORDER

HB 971 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

HB 1000 (Pr. No. 2501) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

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

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

Amend Title, page 1, line 16, by striking out "AND"

Amend Title, page 1, line 17, by removing the period after "DIRECTORS" and inserting:

; providing limited public funding of certain Statewide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

Amend Sec. 1 (Sec. 201.1), page 4, line 7, by striking out "STATEWIDE" and inserting: State-wide

Amend Bill, page 22, by inserting between lines 17 and 18:

Section 12. The act is amended by adding an article to read:

ARTICLE XVI-A

State-wide Office Public Election Financing

Section 1601-A. Application of Article.—(a) The provisions of this article shall be applicable to candidates for the following State-wide offices who elect to apply for public funding hereunder:

- (1) Governor.
- (2) Lieutenant Governor.
- (3) Attorney General.
- (4) Auditor General.
- (5) State Treasurer.
- (6) Supreme Court Justice.
- (7) Superior Court Judge.
- (8) Commonwealth Court Judge.

(b) For the purposes of this article insofar as it relates to public funding of nominated candidates in the general election, a political party's or political body's nominated candidates for Governor and Lieutenant Governor shall be considered as one candidacy and the provisions specifically applicable to the Governor shall be applicable to such combined candidacy.

Section 1602-A. Definitions.—The following words, when used in this article, shall have the following meanings, unless otherwise clearly apparent from the context:

(a) The word "fund" shall mean the Public Election Financing Fund.

(b) The words "major political party" shall mean a political party whose candidate for Governor received either the highest or

second highest number of votes in the preceding gubernatorial election.

(c) The word "secretary" shall mean the Secretary of the Commonwealth.

(d) The word "unopposed" shall mean any candidate who is the only candidate for election to an office who reaches the qualifying contribution threshold prescribed in section 1607-A(b).

Section 1603-A. Administration.—The provisions of this article shall be administered by the secretary, who may adopt rules and regulations as may be necessary for the implementation of this article.

Section 1604-A. Public Election Financing Fund Created.—There is hereby created a special restricted receipts fund in the State Treasury to be known as the Public Election Financing Fund. Payments shall be made into said fund pursuant to section 1605-A and disbursements shall be made from said fund only upon the warrant of the secretary. As much of the moneys in the fund as are necessary to make payments to candidates as provided in this article are appropriated from the fund to the Department of State for the purpose of such payments.

Section 1605-A. Allocation of Certain Tax Proceeds to Public Election Financing Fund.—Beginning with tax years commencing January 1, 1985 and thereafter, each individual subject to the tax imposed by Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," whose tax liability for any such year is two dollars and fifty cents (\$2.50) or more may designate two dollars and fifty cents (\$2.50) of his or her personal income taxes to be paid into the fund. In the case of married taxpayers filing a joint return, each spouse may designate two dollars and fifty cents (\$2.50) to be paid into the fund if their tax liability is five dollars (\$5.00) or more. All such designated tax revenues shall be paid into the fund. The check-off and instructions shall be prominently displayed on the first page of the return form. The instructions shall readily indicate that any such designations neither increase nor decrease an individual's tax liability.

Section 1606-A. Certification of Moneys in Public Election Financing Fund.—By June 30 of each year, the State Treasurer shall certify to the secretary the current balance available in the fund.

Section 1607-A. Qualification for Public Funding.—(a) Any candidate for State-wide office as described in section 1601-A may apply for public funding under this article if such candidate meets the contributory thresholds established in subsection (b) and otherwise conforms to the requirements of this article. No candidate shall be obligated to apply for funding hereunder and if any candidate elects not to apply, the provisions of this article shall be inapplicable to such person and their candidacy.

(b) (1) In order to qualify for public funding in the general election, a candidate must receive subsequent to the date of the primary election but prior to the date of the general election qualifying contributions of the following amounts:

Office	Qualifying Contributions Required
Governor	\$100,000
Lieutenant Governor	25,000 (primary only)
Attorney General	50,000
Auditor General	50,000
State Treasurer	50,000
Supreme Court Justice	25,000
Superior Court Judge	20,000
Commonwealth Court Judge	15,000

(2) In order to qualify for public funding in the primary election, a candidate must receive subsequent to his declaration of candidacy but prior to the date of the primary election one-half of the amount specified in clause (1) for the appropriate office.

(3) (i) The term "qualifying contribution" shall include any contribution, as defined in section 1621(b), which has all of the following characteristics:

(A) Made by an individual resident of Pennsylvania.

(B) Made by a written instrument which indicates the contributor's full name and mailing residence and is not intended to be returned to the contributor or transferred to another political committee or candidate.

(ii) If a contributor receives goods or services of value in return for his contribution, the qualifying contribution shall be calculated as the original contribution, minus the fair market value of the goods or services received.

(iii) Any contribution by an individual which exceeds one hundred dollars (\$100.00) in the aggregate shall be deemed only a qualifying contribution of one hundred dollars (\$100.00) for the purposes of this section and for the matching payment provisions of section 1608-A.

(c) The secretary shall select an auditor pursuant to the provisions of section 1635(a). Each candidate who elects to apply for public funding shall provide evidence that such candidate has raised the qualifying contributions required by this section. This evidence shall be verified and certified as correct to the secretary by the auditor selected hereunder.

(d) No candidate shall be eligible to qualify for public funding under this article until such candidate shall file a sworn statement indicating that that person is not a subversive person as defined in the act of December 22, 1951 (P.L.1726, No.463), known as the "Pennsylvania Loyalty Act," and that the candidate is aware that his affidavit that he is not a subversive person, as defined in said act, is subject to the penalties of perjury under 18 Pa.C.S. § 4902 (relating to perjury).

Section 1608-A. Public Funding Formula.—(a) Every candidate who qualifies for public funding for either the primary or the general election pursuant to section 1606-A shall receive matching payments from the fund in the amount of two dollars and fifty cents (\$2.50) for each dollar of qualifying contribution as defined in section 1606-A(b)(3).

(b) The two dollars and fifty cents (\$2.50) for each dollar of qualifying contributions provided by this section shall be provided only for qualifying contributions raised which exceed the threshold amounts specified in section 1606-A(b) and not to those qualifying contributions which are attributable to meeting such threshold amounts necessary to qualify for public funding.

(c) (1) Only those qualifying contributions made during the period between a declaration of candidacy and the primary election shall be eligible for matching payments from the fund for the primary election.

(2) Only those qualifying contributions made during the period between the primary election and the general election shall be eligible for matching payments from the fund for the general election.

Section 1609-A. Limitations on Public Funding.—(a) Every candidate who qualifies for and receives public funding pursuant to the formula established in section 1607-A shall be entitled to receive no more than the maximum amount specified in subsection (b) for the office such candidate is seeking.

(b) (1) The maximum amount of public funding available for the general election for each candidate under this article shall be as follows:

Office	Maximum Public Funding
Governor	\$1,600,000
Lieutenant Governor	100,000 (primary only)
Attorney General	300,000
Auditor General	200,000
State Treasurer	200,000
Supreme Court Justice	100,000
Superior Court Judge	75,000
Commonwealth Court Judge	50,000

(2) The maximum amount of public funding available for the primary election for each candidate under this article shall be one-half the appropriate figure in clause (1).

(c) Notwithstanding any other provisions of this article no public funding shall be provided to the following:

(1) Candidates in the general election who have been nominated by both major political parties.

(2) Candidates who are running in a judicial retention election.

(3) Candidates in the primary election who are unopposed for the nomination.

Section 1610-A. Time of Payments.—(a) Beginning ninety (90) days prior to the relevant primary or general election, the secretary shall make payments authorized by this article at least every two (2) weeks. However, except for the final payment, no payment shall be due or paid if the payment does not equal at least five thousand dollars (\$5,000.00) in amount.

(b) If in the secretary's opinion insufficient funds exist in the fund to provide the anticipated full funding to eligible candidates in a given primary or general election, the secretary shall distribute the available funds to qualified candidates on a pro rata basis. In determining whether sufficient funds are available, the secretary shall not take into consideration the needs of any subsequent primary or general elections but shall base the decision solely on the immediate primary or general election at hand.

Section 1611-A. Use of Public Funds by Candidates.—(a) Public funds distributed to candidates pursuant to this article may be used only for the election for which they are distributed and only for the following purposes:

- (1) Radio and television time.
- (2) Billboard rental.
- (3) Newspaper advertising.
- (4) Production costs of advertising.
- (5) Printing and mailing of campaign literature.
- (6) Legal and accounting fees.
- (7) Telephone expenses.
- (8) Campaign office rental.
- (9) Travel expenses.

(b) Public funds distributed to a candidate pursuant to this article shall be placed in a single bank account. Expenditures from this account shall be made only for campaign expenses listed in subsection (a).

Section 1612-A. Expenditures.—(a) Expenditures made by a candidate and his authorized committees, for all purposes and from all sources, including, but not limited to, amounts of public funds distributed under this article, proceeds of loans, gifts, contributions from any source or personal funds, subsequent to the date of the primary election but prior to the date of the general election, may not exceed the amounts specified below:

Office	Total Expenditure Limits
Governor	\$3,000,000
Lieutenant Governor	200,000 (primary only)
Attorney General	600,000
Auditor General	600,000
State Treasurer	400,000
Supreme Court Justice	300,000
Superior Court Judge	300,000
Commonwealth Court Judge	300,000

(b) Expenditures made by a candidate and his authorized committees, subsequent to January 1, but prior to the date of the primary election, may not exceed one-half of the amount specified in subsection (a).

Section 1613-A. Limitations on Certain Contributions.—(a) Any candidate who applies for and receives public financing under this article shall not accept contributions for the election for which the public funds were provided which exceed those specified as follows:

Contributor	Limit
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(1) Individual	\$ 2,500
(2) Candidate and spouse	25,000
(3) Political action committee as defined in section 1621(l)	2,500
(4) Partnerships	2,500

(b) Aggregate contributions by a political party committee or candidate's political committee to candidates in the general election receiving public financing shall not exceed the sum of individual contributions to the committee made between the primary election and general election. Whenever contributions in the aggregate from an individual exceed one thousand dollars (\$1,000.00), only one thousand dollars (\$1,000.00) shall be included in that sum.

Section 1614-A. Inflation Indexing of Certain Limitations.—The dollar figures contained in sections 1607-A, 1609-A and 1612-A shall be adjusted annually during March at a rate equal to the average percentage change in the All-Urban Consumer Price Index for the Pittsburgh, Philadelphia and Scranton standard metropolitan statistical areas as published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor agency, occurring in the prior calendar year. The base year shall be 1986. The average shall be calculated and certified by the secretary annually by adding the percentage increase in each of the three areas and dividing by three. The calculation and resulting new figures shall be published in the Pennsylvania Bulletin during March.

Section 1615-A. Annual Report.—The secretary shall report annually to the General Assembly and the Governor on the operations of public campaign financing as provided by this article. The report shall include, but not be limited to, the revenues and expenditures in the fund, the amounts distributed to candidates, the results of any audits performed on candidates in compliance with the provisions of this article and any prosecutions brought for violations of this article.

Section 1616-A. Return of Excess Funds.—All unexpended campaign funds in a candidate's and his authorized committee's possession sixty (60) days after the election shall be returned to the secretary for deposit in the fund, up to the amount of the funds which were distributed to the candidate under this article.

Section 1617-A. Penalties.—(a) Except as provided in subsection (b), any person violating the provisions of this article shall be guilty of a misdemeanor of the first degree and, upon conviction, shall be subject to imprisonment for up to five (5) years or a fine of up to ten thousand dollars (\$10,000.00) or three times the amount involved in the violation, whichever is greater, or both imprisonment and fine.

(b) Any person who violates the provisions of this article and the monetary amount of the violation is less than five thousand dollars (\$5,000.00) shall be guilty of a summary offense and, upon conviction, shall be subject to imprisonment for up to ninety (90) days or a fine of up to three hundred dollars (\$300.00), or both.

Section 13. This act shall be applicable to returns of taxpayers of calendar years commencing January 1, 1985, and thereafter. Public funding first shall be provided for candidates for State-wide office in the general election in 1986 and then in each primary and general election thereafter.

Amend Sec. 12, page 22, line 18, by striking out "12" and inserting: 14

On the question,

Will the Senate agree to the amendment?

Senator SINGEL. Mr. President, the amendment I have offered would provide for a system of public financing for statewide offices, including Governor, Lieutenant Governor, Attorney General, Auditor General, State Treasurer,

Supreme Court Justice, Superior Court Judge and Commonwealth Court Judge. The amendment would establish a Public Election Financing Fund, the money for which would be derived from a system of personal income tax checkoffs, similar to that which is in place for federal elections. Individuals would be permitted to designate \$2.50 as a checkoff on their personal income tax, and the program would be completely voluntary. Those who choose not to participate in this program would not be subject to any of the restrictions under the bill. I would emphasize that we are talking about a voluntary tax checkoff program. In order to qualify for the public funding in the general election, candidates would be required to receive qualifying contributions that varied, depending upon the offices. The Office of Governor, for example, would have to raise \$100,000 as a qualifying match to receive public funds. A limit of \$100 per person would be established in determining matching funds, and \$2.50 could be received from the state fund for every dollar contributed to the campaign of the office seeker. A maximum amount of public funding would be established for each of the statewide offices. That would be \$1.6 million for the Governor, and differing amounts depending, again, on the office. Candidates who agree to participate in the public funding program would be subject to limitations on campaign expenditures for the general elections that would include as follows: for Governor, a \$3 million spending cap; Attorney General, \$600,000; Auditor General, \$600,000, and so on. Limits would be placed on the amounts that single entities could contribute in each individual campaign and, generally, the program is geared toward encouraging smaller contributions and dissuading larger contributions. The program would be effective for the 1986 general elections.

Mr. President, I realize we operate under serious time constraints, and I do not wish to overburden my colleagues, but I do think we are dealing with something that is of extreme importance given the fact that we are about to enter into an important and critical election year. Therefore, I would like to take a few moments to anticipate some of the questions.

First of all, the first obvious question is, why do we need to change the current system of financing statewide elections? The obvious answer is that more and more statewide candidates are becoming dependent upon large contributions from individuals and political action committees. Consider some of the statistics. The six major party candidates for statewide office in the last statewide election in 1984 received 84 percent more in campaign contributions than their counterparts did in 1980. All six of those candidates relied heavily on large contributions over \$250. In 1984, in the general election, of the \$2.6 million raised by the candidates, 67 percent were contributions over \$250, 8 percent were less than \$50 contributions. There has been an increased reliance on truly large contributions of over \$1,000 or more, which comprised 53 percent of the 1984 general election campaign funds in the statewide races, 30 percent of those funds came from fifty-eight contributors who gave \$5,000 or more. In the 1982 gubernatorial election campaign, over 71 percent of all contributions in both

the primary and general elections were large contributions over \$250. Only 8 percent—one dollar in twelve—came from contributions of \$50 or less. Mr. President, it is clear that these large amounts of contributions raise some significant problems.

First of all, it raises the question in the minds of the voter as to whether these big givers expect and actually do receive anything in return for their donations. The perceptions of the average citizens might be that these large contributions unduly influence policy and that the average individual's role in the electoral process is diminished. One need only look at the lingering scandal revolving around the CTA contracts to know that lessening the reliance on major contributions and big money would reduce the temptation for any impropriety.

Secondly, this works a hardship on candidates who may not be as well heeled and cannot attract the large donations of their opponents. The problem exists for candidates of both parties, particularly in primary elections.

Thirdly, large money discourages participation in politics, not only by candidates who are not well heeled, but by citizens who feel that their smaller contributions do not count.

Mr. President, I think this amendment would help us provide a system that could emphasize smaller contributions, involve the average citizen and the smaller donor in the electoral process more, and at the same time reduce the influence that big money has with respect to elections and the possibility of influencing public policy thereafter. A side benefit that would occur is that maybe some of our voters would be spared some of the avalanche of media hype that occurs in the last few weeks of campaigns, if, in fact, spending is reduced somewhat in campaigns.

Finally, the spending limits placed on all participating candidates will assure that no statewide election in Pennsylvania could be bought.

Some of the other questions that arise: Will this require a large bureaucracy? In no way. The truth is that those states that have experimented with the statewide system have found that little or no additional bureaucracy was necessary.

Would this produce a large number of nonserious candidates? It is not very likely. The amendment is drafted in a way to require some stiff qualifying thresholds that would discourage the frivolous candidates. The experience, again, in other states has been that the nonserious candidates do not enter any more readily because of the public financing aspect.

Would there be enough money in the fund? Our experience in Pennsylvania with the federal checkoff is that 37 percent of our taxpayers check off for the federal system. If we received even 30 percent of the people participating in a statewide public financing program, we would raise approximately \$4.4 million. If recent history holds true and if all of the eligible candidates take all of the amount they are entitled to, the maximum we would need in Pennsylvania would be somewhere around \$4 million. The answer to the question is there would be more than enough money in the pool available for legitimate candidates.

Will many candidates opt out of the system, decide not to accept the voluntary constraints on spending and finance their own campaigns independently? Again, this is not very likely. Candidates who refuse to base their campaign on the smaller contributions will have to answer to the electorate as to why. The experience in New Jersey is illustrative of the fact that this system can work. In the statewide campaigning, very few have opted out of the public financing system. Very few have determined not to voluntarily limit themselves to a certain amount of expenditures. In the 1981 primary for Governor in New Jersey, twenty-one candidates entered the field in the primary, and sixteen of them chose to participate voluntarily in the program.

Would the plan give an unfair advantage to one of the two political parties? Absolutely not. Again, the experience has been that both parties benefit. In New Jersey, for example, in the most recent gubernatorial election, a Republican won. In Michigan, a Democrat won. Four years preceding that, just the opposite was true. The fact is that public financing benefits both parties and can be a very effective mechanism, in fact, in making both party structures more effective. It is true that perhaps some wealthy Democrats can still raise whatever they want and opt out of the program, and they are entitled to that. Again, the program is voluntary. But the truth is that this will allow both sides to participate in the process with the knowledge that no one war chest will be dramatically larger than the other.

Finally, Mr. President, what about the Supreme Court ruling? In fact, are we venturing into difficult constitutional territory by placing limits? The answer to that question is simply no. The Buckley v. Valeo decision acknowledged the fact that there may be voluntary mechanisms set up on the statewide level and indicated that if candidates voluntarily participated in a public financing system, then they also voluntarily subscribed to the limits placed upon them by that system.

Mr. President, for all of these reasons, public financing is an idea whose time has come. It has received broad editorial support for many years. In fact, one of our own colleagues probably summed it up best when he left this august Body not long ago. It was Senator Frank O'Connell who said that politics is fast becoming a playpen of the wealthy. This is not a healthy situation, and it is something that has to be addressed by this Body. One need only look at events in the federal government last week when the United States Senate began to take action to rein in some of the influence and the giving from PACs to know that this is a salient issue, and we have to take action right now. Public financing is important to assure that the next gubernatorial and statewide elections that follow begin to reverse the trend of big money and heavy influence. By adopting this amendment, Pennsylvania will join the twenty other states that have begun to assure that their governments remain of the people and for the people. Without public financing, we are likely to see more examples of questionable campaign contributions, continued limiting of public access to government. With some kind of public financing

system in place, we can send the message loudly and clearly that the people continue to govern in our great state and the for sale sign has been removed permanently from any state-wide office.

Mr. President, I ask for an affirmative vote on this amendment.

Senator STAUFFER. Mr. President, I am not going to use a lot of time to debate the amendment. I merely would like to point out to our Members that this is the public finance proposal we discussed at great length in our caucus.

Senator KELLEY. Mr. President, I listened intently to the sponsor of the amendment, and my only problem is that in advance the reasons for support of his amendment were given that the people, the common good, the government itself would be better served. His introductory remarks to the support argument was the fact that it was dovetailing and following the federal practice. In my observations, I have not seen or observed any increase in the executive branch of the federal government, and I speak to the present Administration and the immediate past Administration, Republican and Democrat. In fact, I observed more chaos, more imagery of the big vested interests, and I would love to be able to believe that the gentleman's amendment would bring about the result he asserts it would. But from the experience of observing the federal government, I find otherwise. Of the sister states that already have this, I have to say it seems to me that I do not observe any outstanding characteristic of those states that have it over and above any others. I share the gentleman's concern about the tradition and, as he quoted our late departed colleague, Senator O'Connell, politics seems to be becoming the vested money interest game, but yet I do not know that public financing is the alternative. It seems to me that we have to have faith in the system about this freedom we have. Everyone can run for office in this country, and if we can generate enough people and/or enough persons with money, you do not need one necessarily at the exclusion of the other, you can have one or both, any legitimate candidacy, because I know that among us in this Body here, there is no great accumulation of wealth from my observations. I happen to really believe the gentleman is well motivated. He makes an accurate observation about the misdirection of this government generally, not just the Commonwealth, but at the same time I do not really know and believe the amendment is the answer.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

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

NAYS—27

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

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

The PRESIDENT. Without objection, House Bill No. 1000 will go over in its order on third consideration.

**BILL ON THIRD CONSIDERATION AMENDED
AND REREFERRED**

SB 1178 (Pr. No. 1667) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," 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.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

SHUMAKER AMENDMENT

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

Amend Sec. 1 (Sec. 102), page 2, line 15, by striking out "and"

Amend Sec. 1 (Sec. 102), page 2, line 15, by inserting after "Marketing": and

Amend Sec. 3 (Sec. 201), page 3, line 30, by striking out "and"

Amend Sec. 3 (Sec. 201), page 3, line 30, by inserting after "Marketing": 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?

CORMAN AMENDMENT

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

Amend Sec. 17 (Sec. 472), page 32, line 30, by striking out "forty" and inserting: thirty-three

On the question,

Will the Senate agree to the amendment?

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

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

Senator CORMAN. I will, Mr. President.

Senator KELLEY. Mr. President, I ask that the author of the amendment explain the amendment.

Senator CORMAN. Current law, Mr. President, requires that if people would like to have a vote, wet or dry, on an issue, you must get 25 percent of the people who voted in the last election to sign a petition. This bill, as it is currently being offered, would raise that to 40 percent of the registered electorate who must sign a petition. My amendment reduces that number to 33 percent of the people.

Senator LINCOLN. Mr. President, so that Members of the Democratic caucus know, this amendment was discussed but there really was not a position taken. This is an amendment that would make it harder to get on the ballot for referendum—easier than the bill, harder than the law.

Senator KELLEY. Mr. President, as the gentleman from Fayette indicated, the present law requires 25 percent of the signatures from the registered voters currently and the bill provides for 40 percent and the amendment is to reduce it to 33 percent. It seems to me if we are really genuinely concerned about the democratic process, 25 percent signators is certainly a significant number of electors to place any question on a ballot, and to make it more difficult is almost prohibitory for the difficulty. I would urge—actually, the problem being it is an affirmative vote because it is reducing it, but I would hope we would come back eventually and reduce it even further—an affirmative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—47

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

NAYS—2

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

And the question recurring,

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

POINT OF ORDER

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

The PRESIDENT. The gentleman from Philadelphia, Senator Salvatore, will state it.

Senator SALVATORE. Mr. President, earlier today I was questioned by a reporter who evidently was challenging my integrity or a conflict of interest because my family happens to be in the beer business. My married daughters, one is 32 years old and the other is 36 years old, are in the wine business. I want a ruling whether I should be voting on liquor legislation or not.

The PRESIDENT. The Chair would rule that the gentleman's situation places him in a member of a class and, therefore, by the Senate Rules, would require him to vote should he be on the floor on these questions.

Senator SALVATORE. That was my next question, Mr. President. Can I not vote and say present, or do I have to vote?

The PRESIDENT. You would vote in the affirmative or in the negative.

And the question recurring,

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

GREENLEAF AMENDMENT I

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

Amend Title, page 1, line 25, by inserting after "beverages,"

for the private sale of wine, for the sale of wine by limited wineries,

Amend Bill, page 23, by inserting between lines 18 and 19:

Section 14.1. Article IV of the act is amended by adding a subdivision to read:

ARTICLE IV.

LICENSES AND REGULATIONS; LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES.

* * *

(B.1) Private Wholesale and Retail Sale of Wine.

Section 445. Private Retail Wine Licenses.—(a) Subject to the provisions of this article and the regulations promulgated under this article, the board shall have the authority to issue a private retail wine license to a person, corporation or association for any premises for the purpose of establishing, operating and maintaining a private retail wine store. The licenses shall entitle the private retail wine store to purchase wine from private licensed distributors and to keep on the premises such wine, subject to the provisions of this act and the regulations made thereunder, and to sell the same for off-premises consumption, and to any hotel, restaurant, club or other establishment authorized to sell wine for on-premises consumption pursuant to this act. The licensees may also sell wine-related products as determined by the board.

(b) No person other than a wholesale wine licensee may purchase wine for resale at wholesale in this Commonwealth. No wholesale wine licensee may purchase or acquire any brand of

wine except from the owner of the brand or from a person registered with the board under subsection (a) and designated to supply the brand by its owner in a writing filed with the board. The board may, upon written authorization of the registrant of the brand and upon good cause shown, permit a wholesale wine licensee to acquire the brand from someone other than the owner or owner's designee.

(c) An agreement between a registrant and a wholesale wine licensee shall be in writing.

(d) Registrants and wholesale wine licensees shall maintain records of all sales, shipments and deliveries, including invoices, records, receipts, bills of lading and other pertinent papers required by the board. Records shall be preserved for at least two years. The board may inspect the books, accounts and records of a licensee and examine, under oath, an officer, agent or employee of a licensee or a person engaged in the business of selling, shipping or delivering wine to a wholesale wine licensee. The board may require the production of books, accounts, papers and records at a time and place within this Commonwealth designated by the board in order that an examination may be made by the board.

(e) No wholesale wine licensee may sell or deliver any brand of wine purchased or acquired from a source other than a registrant which has granted the wholesale wine licensee the right to sell the brand at wholesale, and no retail wine licensee may sell or deliver wine purchased or acquired from a source other than a wholesale wine licensee.

(f) An applicant for a private retail wine license or a wholesale wine license or for the transfer of an existing license to other premises shall file a written application with the board in such form and containing such information as the board shall prescribe by regulation. The application shall be accompanied by a filing fee in an amount determined by the board, by regulation, sufficient to cover related costs; the prescribed license fee; the bond specified in section 451, if the application is for a wholesale wine license; and, in the case of an application for a private retail wine license, financial statements or other documents as the board may require to demonstrate that the applicant is financially fit, or that the applicant is a hotel, restaurant or club.

(g) With the initial application and each application for renewal, an applicant shall provide a financial statement or other documents in the form and containing such information as the board shall prescribe by regulation to indicate the applicant's financial capability.

(h) With each initial application and each renewal, the applicant shall identify the location and ownership of the proposed site for the private retail wine license or wholesale wine license as proof that the place of business conforms to applicable health and fire statutes and regulations.

(i) If the applicant is a natural person, the application shall show that the applicant is a citizen of the United States and a resident of this Commonwealth and is not less than twenty-one years of age.

(j) If the applicant is a corporation, the application shall show that the corporation was created under the laws of this Commonwealth or holds a certificate of authority to transact business in this Commonwealth.

(k) The application shall be signed and verified by oath or affirmation by the owner in the case of a natural person, by a member or partner in the case of an association or by an executive officer or person specifically authorized in the case of a corporation. If the applicant is an association, including a fraternal organization or club, the application shall set forth the names and addresses of all directors of the association, organization or club and the names and addresses of the principal officers.

(l) False statements intentionally made in the application shall be deemed sufficient reason for denial of the license.

Section 446. Review and Approval of Applications for Private Retail Wine Licenses and Wholesale Wine Licenses.—(a) Applications for licenses shall be thoroughly reviewed by the board before approval or disapproval.

(b) The board may decline to grant a license to an applicant who has been convicted of a felony within five years immediately preceding the date of the application.

(c) The board may decline to grant a license to an institutional applicant which has more than ten per centum of its beneficial ownership owned by any individual who has been convicted of a felony within five years immediately preceding the date of application.

(d) In an instance in which a license applicant or persons with more than ten per centum beneficial ownership in the license applicant are under indictment for a felony or under investigation by a legally constituted grand jury, the board may withhold approval or disapproval of the license until legal proceedings relating to the felony are resolved.

(e) The board shall issue a license to the applicant upon review of the application; receipt of the proper fees and bond; and being satisfied of the truth of the statements in the application that the applicant is a person of good repute, that the premises applied for meet all the requirements of the law, and that the issuance of the license is not prohibited by this act.

(f) For purposes of this section, the word "felony" shall mean a criminal offense which has been designated a felony under Federal law, 18 Pa.C.S. (relating to crimes and offenses) or the state law of the jurisdiction where the person or dealer was convicted and which has been committed in relation to business activities and dealings which the board has authority to regulate under this act.

Section 447. Private Wine Wholesale Distributor Licenses.—(a) Subject to the provisions of this article, and the regulations promulgated under this article, the board shall have the authority to issue private wine wholesale distributor licenses.

(b) The license shall entitle the licensee to sell wine to the board, to any private retail store licensed pursuant to this article, to any hotel, restaurant, club or other establishment authorized to sell wine for on-premises consumption pursuant to this act, to another wholesale distributor licensed under this section, or to export wine from this Commonwealth.

(c) The license shall entitle the licensee to purchase wine from the board, from any Pennsylvania or nonresident manufacturer, from any out-of-State retail store, from any out-of-State wholesaler, from any wholesale distributor licensed under this section, or from any private retail store licensed under this article.

(d) Each licensed wholesaler shall establish one or more warehouses for the storage and distribution of wine at locations approved by the board. A separate application shall be submitted, and a separate application fee paid, for each warehouse licensed pursuant to this section. All wine sold to private retail stores licensed pursuant to this article shall be distributed through a warehouse located within this Commonwealth.

(e) No wine package shall be opened on the premises of a licensed wholesale distributor. No licensee nor employe of any licensee shall allow any wine to be consumed on the premises, nor shall any person consume any wine on the premises.

Section 448. Physical Limitations.—(a) In the case of any new license or the transfer of a license to a new location, the board may, in its discretion, grant or refuse the new license or transfer if the place proposed to be licensed is within three hundred feet of a church, hospital, charitable institution, school or public playground.

(b) The board shall refuse an application for a new license or the transfer of a license to a new location if the board has determined, pursuant to grounds specified in a regulation, that the new license or transfer would be detrimental to the welfare, health, peace or morals of the inhabitants of the neighborhood

within a radius of five hundred feet of the place proposed to be licensed.

Section 449. License Fees.—In the case of a private retail wine license, the annual fee for each license shall be two hundred fifty dollars (\$250). In the case of a wholesale wine license, the annual fee for each license shall be five thousand dollars (\$5,000). The board, through regulation, may levy additional fees in a manner to ensure that license revenues are sufficient that costs of the board for the enforcement and licensing, including advertising by the board, are reimbursed. Fees received shall be deposited in the General Fund.

Section 450. Notice of Change in Board Regulations and Statement of Policy.—The board may not promulgate a regulation nor issue a statement of policy applicable to wholesale wine licenses or private retail wine licenses without a public hearing, notice of which shall be published in the Pennsylvania Bulletin at least thirty (30) days prior to the date of the hearing. This section shall apply even if notice of proposed rulemaking is omitted under section 204 of the act of July 31, 1968 (P.L.769, No.240), referred to as the "Commonwealth Documents Law."

Section 451. Bond.—The penal sum of the bond filed by an applicant for a wholesale wine license shall be ten thousand dollars (\$10,000). The bond shall be promptly returned to the applicant if the board refuses to grant and issue a wholesale wine license.

Section 452. Credit on Sales of Wine.—A wholesale licensee may extend credit to a private retail wine licensee on the sale and purchase of wine for a period not to exceed thirty days from date of delivery. There shall be no credit restrictions on sales of wine by registrants to wholesale wine licensees. No right of action shall exist to collect indebtedness based on an extension of credit contrary to the provisions of this section.

Section 453. Maintenance of Records.—Private retail wine licensees and wholesale wine licensees shall keep on the licensed premises, for a period of at least two years, complete records covering the operation of the licensed business, particularly showing the date of purchases of wine, the actual price paid, the name of the vendor and State store receipts. It shall be unlawful for any private retail wine licensee or wholesale wine licensee, or its servants, agents or employes, to refuse the board or an authorized employe of the board access to the records or the opportunity to make copies of the records when the request is made during business hours.

Section 454. Displaying Price of Wine.—It shall be unlawful for a private retail licensee to display on the outside of its licensed premises, or to display any place within its licensed premises where it can be seen from the outside, an advertisement referring, directly or indirectly, to the price at which the licensee will sell wine: Provided, however, That a registrant, wholesale wine licensee or private retail wine licensee shall have the right to advertise the price and brand of wine by means of recognized advertising media, including, but not limited to, newspapers, magazines, shopping guides, radio, television, fliers and handbills. In advertising the price of wine, the advertiser may, if it is not misleading, include in connection with the price words or phrases such as "special," "introductory," "sale" or "as-is-sale" or their abbreviations.

Section 454.1. Outside Advertisements.—It shall be unlawful for a private retail wine licensee to display, on the outside of its licensed premises, on a lot of ground on which the licensed premises are situate, or on a building of which the licensed premises are a part, a sign advertising a brand of wine.

Section 454.2. Private Inside Advertisements.—Private retail wine licensees shall be permitted to use product displays, inside signs, retailer advertising specialties, consumer advertising specialties and wine lists to the extent permitted by applicable regulations of the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department. This advertising material may be furnished

without charge by the manufacturer, registrant or wholesale wine licensee.

Section 454.3. Stocking, Rotation and Pricing Service.—Registrants and wholesale wine licensees may stock, rotate and affix the price to wine they sell at the premises of a private retail wine licensee if wines purchased from other wholesale wine licensees are not altered or disturbed.

Section 455. Local Option.—(a) The governing body of any municipality may, within one (1) year of the effective date of this section, and not more often than once every fourth year thereafter, consider the adoption or rescission, and adopt or rescind an ordinance prohibiting the location of any new private retail wine store, or the continuation of operations at any existing private retail store beyond the renewal date for such licenses or the electorate may decide the issue in accordance with the provisions of section 472.

(b) The governing body of any municipality may at any time adopt ordinances regulating the hours of operation, prohibiting Sunday sales, or specifying permissible locations for the operation of private retail wine stores.

(c) Separate ordinances may be adopted for each part of a municipality split so that each part thereof is separated by another municipality.

(d) Separate ordinances may be adopted with respect to private retail wine stores licensed pursuant to section 445.

(e) Private retail wine store licenses shall not be granted within any municipality which, on the effective date of this article, has prohibited the operation of wholesale distributors of malt or brewed beverages or Pennsylvania liquor stores pursuant to section 472, unless such municipality adopts an ordinance permitting the operation of private retail wine stores within the municipality, or within a split part of a municipality separated by another municipality. An ordinance permitting licensed activities within either part of a split municipality shall be required, even if operations pursuant to section 472 were prohibited only in one part of such municipality.

(f) Prior to considering the adoption of any ordinance pursuant to this section, the governing body of the municipality shall hold one or more public hearings, and may conduct an advisory referendum.

(g) Any municipality adopting an ordinance pursuant to this section shall file a copy of such regulation with the board at least thirty (30) days prior to the effective date of the ordinance.

(h) Any private retail liquor store operating within a municipality adopting an ordinance prohibiting operations within the municipality may, with the approval of the board, transfer a licensed premise to any other municipality which has not adopted any such ordinance.

Section 456. Prohibited Acts and Offenses.—(a) Except as provided by this article, private retail and wholesale licensed establishments operated pursuant to this article shall not be subject to the requirement of sections 407, 411, 461, 468 and 491(2), (7) and (11). No licensee shall be restricted, except as otherwise provided by this article, with respect to the advertising of the price and brand of any wine, with respect to offering sales, rebates, refunds, discounts or as to establishing the price of any wine, and with respect to the stocking of merchandise, the presentation of products or the offering of brands for sale.

(b) A retail wine store license shall be revoked by the board for cause, including for any single sale to a minor.

Section 457. Taxation.—(a) The tax imposed by the act of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as the "Spiritous and Vinous Liquor Tax Law," shall be collected, reported and paid by any Pennsylvania manufacturer, or from the first licensed wholesale distributor of wines importing such products produced by nonresident manufacturers into this Commonwealth. All reports shall be filed and labels affixed by the appropriate manufacturer or distributor.

(b) The tax imposed upon wine and liquor by Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," shall be collected, reported and paid by retail wine stores licensed pursuant to this article, or by the board for sales by State stores.

(c) There is imposed a tax of seventy cents (\$.70) per wine gallon on all wine sold by a Pennsylvania manufacturer, by the first wholesale wine licensee importing such wine purchased from a nonresident registrant into this Commonwealth or by the board. The tax shall be collected by such manufacturer or wholesale wine licensee or the board on its first sale of such wine at wholesale or retail in this Commonwealth.

Section 458. Persons Selling or Shipping Wine to Wholesale Wine Licensees.—(a) No person may offer for sale or sell wine for resale at wholesale in this Commonwealth, or offer wine for shipment into this Commonwealth, except to a wholesale wine licensee. Every person who is engaged in or desires to engage in the sale or shipment of wine to a wholesale wine licensee for resale at wholesale under this act shall, prior to engaging in the activities, register the brand of wine with the board. As part of registration, the registrant shall include the name of each wholesale wine licensee, to whom the registrant is granting the right to sell at wholesale, each brand of wine being registered, the geographical area for which the right is granted to each wholesale wine licensee and the period of time for which the right is being granted to each wholesale wine licensee. The registrant may grant the right to sell at wholesale a brand of wine in a geographical area to more than one wholesale wine licensee. The registrant may add to, revoke or amend its registration. Only a wholesale wine licensee registered by a registrant as having the right to do so may sell a brand of wine at wholesale in this Commonwealth, and the sale may be made only in the geographical area set forth in an effective registration. No wine may be imported into this Commonwealth or purchased by a wholesale or retail licensee unless it is registered with the board pursuant to this subsection at the time of importation or purchase.

(b) Before the sixteenth day of each month, the registrant shall submit notarized written reports to the board showing all sales, shipments and deliveries of wine made during the preceding month. The report shall state the identity of each wholesale wine licensee and the quantity, label and alcoholic content of each brand of wine sold, shipped and delivered and shall be in the form and contain such other information as the board may require by regulation.

Section 459. Notice of Change in Board Regulations and Statement of Policy.—The board may not promulgate a regulation nor issue a statement of policy applicable to wholesale wine licenses or private retail wine licenses without a public hearing, notice of which shall be published in the Pennsylvania Bulletin at least thirty days prior to the date of the hearing.

Amend Sec. 24 (Sec. 505.2), page 64, line 4, by inserting after "wineries": or from a private wine wholesaler or retailer

Amend Sec. 24 (Sec. 505.2), page 64, line 14, by striking out "by one or more Pennsylvania limited wineries"

On the question,

Will the Senate agree to the amendment?

Senator GREENLEAF. Mr. President, the amendment I have offered is an amendment that would allow, in conjunction with the present State store system, the licensing of private wine retailers and wholesalers. The first part of the amendment, I believe, sets forth the primary purpose of it and that is for the purpose of establishing, operating and maintaining private retail wine stores, and later on it sets forth the provisions for the private wholesalers as well. The legislation

would also allow limited wineries, that is those Pennsylvania wineries that now have, I understand, three stores that are allowed to sell Pennsylvania wines that are also incorporated into this legislation and would be allowed to sell wines from out of state, and they would be able to purchase from either the private wholesalers or private stores out of state wines.

In addition, there are a number of criteria—all of which I will not go over—on who can qualify for these licenses but, basically, there is a provision that they have to be financially capable, that they have not been convicted of a felony within five years immediately preceding the date of their application. The location of the store is limited, not to be within 300 feet of a church, hospital or charitable institution. In addition, the Liquor Control Board would have the right to deny a transfer or a placing of an application for a retail store or wholesale store if they determine it would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood therein. Also, they have the right to look into the general qualifications and the general good repute of the applicant. There is a licensing fee of \$250 for a retail license, \$5,000 for a wholesale license and there would be a requirement of a bond of \$10,000 for wholesale licensees. There would be no advertising on the outside of the specialty store and, by the way, a specialty store where the intent is to have a private store to sell wine only, not any other items except for possibly related items such as cheese or a wine bottle opener and that sort of a thing, but that would be subject to regulation promulgated by the Liquor Control Board. Primarily and basically, these stores would only sell wine and be specifically set up as a specialty wine store.

In addition, there are provisions for what I have called a local option that would allow, one, the governing body to pass an amendment within one year of the adoption of this legislation prohibiting such retail and wholesale wine licenses in their community or to do it once every four years. If they should decide that they would want those stores in their municipality, they then would have the right to regulate the hours of operation prohibiting Sunday sales or specifying permissible locations for the operation of private retail wine stores.

In addition, should the local municipality or governing body decide to allow those stores to operate in their municipality, the electorate could, according to, I think, Section 472, go through a referendum process where they could override the elective body or initiate the action themselves and exclude, through a referendum, stores in their municipality.

In addition, it provides that any dry township or any dry municipality, that is dry now at the adoption of this legislation, would presume to be dry and would prohibit these specialty wine stores unless there was some affirmative action taken.

In addition, there is a provision in here that should any of the retail licensees sell to a minor on one occasion, that would be grounds for the loss of their license.

I think that primarily covers the provisions of the proposal. Rather than drag this out, which I do not want to do, over the

years I have accumulated a fair amount of information on this issue, I want to very briefly go over a few points.

One, Pennsylvania now finds itself in a position where it is only one of two states that does not allow some type of retail sale of alcoholic beverages. Even the sixteen or eighteen of what they call control states either allow the retail sale of liquor or the retail sale of wines. For example, in the last several years Virginia and Alabama have taken the steps to allow retail wine and, in fact, very recently the State of Iowa has taken that step and now allows the sale of retail wine. In fact, of these control states, of the few that are left, the most common reform they have made and the most common alteration of their system they have made has been the retail sale of wines. In fact, as I indicated, up until very recently, we were only one of three states that did not allow any such sales, and now Iowa has recently made that step. We are now one of two; Utah and ourselves. I think reviewing some of the reports and studies that Iowa has come up with, they have found and statistically have concluded that really there is very little relationship between the way we market and merchandise alcoholic beverages and alcohol abuse. A study of a number of those issues will reveal that the drunk driving, underage drinking and other related diseases and problems associated with alcohol abuse has little or no relationship to the way that we control or market our alcoholic beverages. In fact, it is a much more complicated issue than the simplistic approach of what we call the prohibition approach.

In addition, for example, in underage drinking there has been found that the most significant impact on underage drinking is the legal age of drinking and the enforcement of that age and, in fact, that there are states such as Pennsylvania that has the higher drinking age and there is a significant relationship between the age and the abuse of juveniles in their use of alcohol. For example, in a comprehensive study conducted by the State of Iowa, they found in those statistically significant relationships between per capita liquor consumption among states and several measures of accessibility, such as hours of operation and outlet density and, in fact, if we look at the situation now in Pennsylvania, we have 21,000 to 22,000, 23,000 liquor license establishments in the State of Pennsylvania, a greater per capita percentage than the national average including "noncontrol states." Mr. President, I think that fact really does not impact upon our alcohol abuse.

Last week we adopted an amendment that would allow the Liquor Control Board to have specialty sales, and that amendment passed overwhelmingly here in this Body. That amendment allowed that we would sell lower, less expensive liquor. I think by us voting for that we all agreed that the price or the availability or the merchandising of liquor has no effect on alcohol abuse or none of us would have voted for that.

Another indication is in Arkansas, which is an open state, one among the five states with the lowest per capita consumption, while New Hampshire, a control state, is among the five highest in per capita consumption. In New Hampshire they have an interesting marketing system where they are attracting

tremendous numbers of people from out of state and, of course, consumption is based on sales, not on actual consumption. But it is interesting to note that Arkansas, which is an open state, is one of the lowest in per capita consumption. I think it is important to note that the social and legal approach to alcohol and alcohol abuse has a much more important impact on Arkansas than the fact that it is an open state. The figures, for example, in Pennsylvania, that the national ratio of population to establishments is one establishment per 797 persons, and in the Commonwealth of Pennsylvania it is around 600, so we have a very high ratio of liquor establishments to the individuals in Pennsylvania.

Another study indicated that estimates of the percent of fatally injured drivers with a high blood alcohol level in 1980 showed that twenty-one open states had a better record than Pennsylvania. There are three open states, Connecticut, Illinois and Rhode Island, with a lower ratio of drunk driving arrests as a percentage of total arrests than Pennsylvania had in, for example, the year 1980.

Another point in regard to underage drinking is that in a recent national survey, teenagers reported consuming less alcohol, on the average, in states like Pennsylvania with a twenty-one year old drinking age than in states with other types of drinking age laws, which would indicate that the age is certainly much more important than the way that we merchandise the alcohol. In addition, it is found that a large majority of teenagers who do drink, drink beer and not liquor and not wine. The very smallest percentage—

POINT OF ORDER

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

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, I realize this is an odd way to raise a point of order, on debate on an amendment, but what are the parameters? Are we having a dissertation on the ills of drinking or are we talking about an amendment that would allow private licensing of wine stores?

The PRESIDENT. Is the gentleman asking the Chair whether the debate is in order?

Senator LINCOLN. Yes, Mr. President.

The PRESIDENT. The Chair finds the debate is in order and relevant to the amendment, and the gentleman may proceed.

Senator GREENLEAF. Mr. President, there are a number of other items I can bring up in regard to the use of alcohol, and I think one final one is that there was a study done by a Maryland firm in Rockville, Maryland, right outside of Washington D.C., who did a study in regard to drinking alcohol, consumption of alcohol and alcohol abuse. It found there was little or no difference between those states that have more of an open system and those states which have a control system in drunk driving, underage drinking, cirrhosis of the liver and all those problems dealing with alcohol abuse. I think we should not be concerned in regard to the private sales of wine in these specialty stores. I think this proposal is as

much a safeguard as possible for those of you who have a concern such as that. It provides for local option. It provides for only specialty stores. It provides for very severe penalties for sale and abuse of the sale to underage drinkers. I think it is a step that is in the national trend, that a number of other states have done this in the most recent past. I think Pennsylvania should also join with those other states—in fact, the forty-eight other states in the nation—and allow on a limited basis the sale of wines in private stores.

Senator BELL. Mr. President, what the gentleman from Montgomery, Senator Greenleaf, forgot to tell the Members is that the highest booze consumption in the world is in the Maryland counties that border Pennsylvania, because people go down there and buy it because it is 35 percent cheaper, and they bring it back and drink it in Pennsylvania. Along this line, so I stay in order, I notice that the amendment of the gentleman from Montgomery, Senator Greenleaf, is going to forgive the people of Pennsylvania 18 percent of the cost of their wine, because right now under the Johnstown Flood Tax of 1936 which was one percent, now up to 18 percent, that is cranked into the cost of wine and booze, and then the State store system gives another 100 percent markup. What the gentleman is going to do is make available to the people wine that is 18 percent cheaper than what they will buy it for in State stores. That is the only good point about his bill, because the biggest complaint of my people is not the Liquor Control Board system, it is the price of booze. I notice that the gentleman from Montgomery, Senator Greenleaf, omitted to tell the Members that under his amendment it appears that wine stores can be open on Sunday. It appears that wine stores can be open twenty-four hours a day. It looks like in the ghetto they can put a wine store on every corner. God knows there are enough booze stores and everything else right now and enough taprooms. What the gentleman forgets to tell you is there is no requirement that the person working in the wine store be at least eighteen years of age. This is very important, because with the Liquor Control Board we do have mature people selling the wine and the booze, but here you are going to have wine stores with high school students eligible to sell. How many of them will turn down one of their classmates when they want to buy a bottle of wine?

I do not know what the gentleman is going to do for enforcement. I assume he is going to still use the enforcement agents. I do not know what he is going to do as far as shoplifting. Shoplifting is a very big problem with the 7-Elevens and the food markets and all this, and nobody is going to tell me there is not going to be a heyday for teenage shoplifters. They will go into the wine store and somebody will talk to the kid at the checkout counter and the other one is going to be putting a bottle of wine inside of a long pocket in a raincoat. That is not my thinking, that is the FOP's thinking, and they have the problem of when these kids go out and do underage drinking and crack up their cars, they have the job of pulling them out of the wrecked cars.

The gentleman from Montgomery, Senator Greenleaf, did not tell us if there is going to be any inquiry as to the past

criminal record of a licensee. I could not find it in here. Maybe the gentleman has it hidden. He has seven very well written pages, and I commend him on that, but can a guy who has a criminal record or is a dope peddler or anything else now get a license to sell or, better yet, a corporation, a front for whom? These are things that are very important. I notice the gentleman has a section on credit sales. I do not see anything in there prohibiting sales on credit to somebody coming in and buying wine, buy it on tab. For all I know they can use food stamps to buy the wine. But what I am driving at is this is a very poor substitute for the system we have in Pennsylvania today. I would predict that if something like this goes on, the people who vote for it, the people who vote for those folks who want to make money selling wine in private stores at the expense of the people of Pennsylvania, namely the parents of the kids who will be getting wine so easily, I am going to predict that you will rue the day that you vote for any bill like this.

Senator LINCOLN. Mr. President, I would ask for a negative vote on this amendment.

Senator GREENLEAF. Mr. President, not to prolong the debate, I have to briefly comment on the remarks of the gentleman from Delaware, Senator Bell. There is a provision specifically in the amendment about criminal records. If you are convicted of a felony, you cannot hold a license. If you have a corporation and someone who owns more than 10 percent of the interest in that corporation has a criminal record, they cannot obtain a license. On Sunday sales, it is specifically stated in there that a local municipality can prohibit Sunday sales or twenty-four hour operations. They can set the hours of operation. In addition, I would anticipate through the regulatory powers that the Liquor Control Board will also control the hours of operation. They do have that ability. In regard to the eighteen year old situation, there is no prohibition about someone being eighteen serving liquor at the present time in my understanding, so I think those issues are already dealt with in the amendment.

Senator BELL. Mr. President, I am glad I smoked him out. I live in Upland. My boundary is on the City of Chester and the Borough of Parkside. I am not saying the people in Upland do not drink, but they go to Chester to drink because we are dry. There is nothing in this bill that would not let the City of Chester or an adjacent municipality open wine stores seven days a week, twenty-four hours a day. They go in and buy their wine in those wine stores and throw the empty bottles in my front yard.

Senator FUMO. Mr. President, I certainly do not want to belabor the debate, and I did not intend to speak on this until the gentleman from Montgomery, Senator Greenleaf, got up and addressed the remarks of the gentleman from Delaware, Senator Bell, concerning convictions. But if Senator Greenleaf would refer to page 3 of his own amendment, subsection (f), where it defines felonies, he has found a unique way to define a felony. In order for a felony to count in this particular instance, it has to be not only a felony, but one involving the Liquor Code.

In addition, Mr. President, in answer to the gentleman from Delaware, Senator Bell, he also said that if you had 10 percent of the corporation, you could not get a license, but if you had twenty rapists who had 5 percent each, they could easily get a license, or twenty murderers or twenty other such felons if they owned 5 percent each. I think, Mr. President, that Senator Bell's point was well taken, that there are no real safeguards in here vis-a-vis felonies.

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

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

The PRESIDENT pro tempore. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—6

Fisher	Hopper	Stauffer	Tilghman
Greenleaf	Kelley		

NAYS—42

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

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, as amended?

GREENLEAF AMENDMENT II

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

Amend Title, page 2, line 2, by inserting after "advertising;":
providing for a referendum on private sale of wine and liquor;

Amend Bill, page 17, by inserting between lines 8 and 9:

Section 10.1. The act is amended by adding a section to read:

Section 307. Procedure for Referendum.—(a) The Secretary of the Commonwealth shall cause to be placed on the ballot at the next municipal election a question to determine the will of the electors of the Commonwealth with respect to the continuance of the Pennsylvania Liquor Stores system. The referendum shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

(b) The question on the ballot shall be phrased in substantially the following form:

Shall the State store system for the sale of wine and liquor be replaced by privately-owned stores?

(c) The county boards of elections shall canvass the votes and make their returns to the Secretary of the Commonwealth who shall certify the results to the General Assembly.

On the question,

Will the Senate agree to the amendment?

Senator GREENLEAF. Mr. President, this amendment would place on a statewide ballot in the next municipal election the question to determine the will of the electors of the Commonwealth of Pennsylvania with respect to the continuance of the Pennsylvania liquor store system. The question on the ballot will be phrased substantially in the following form: Shall the State store system for the sale of wine and liquor be replaced by privately owned stores? This referendum, I think, is a follow-through on whether there is no will here in the Legislature to reform the retail sales of the Liquor Control Board contrary to the wishes of the people of this state. I think it is important for us to ascertain what is the will of the people of this state. The public opinion polls I have seen throughout the state have indicated overwhelming support for such a proposition. Apparently here today, it seems as if that is not the case, and there may be some confusion or some misunderstanding on the part of the Legislators on how their constituents feel about this issue. I believe a statewide referendum would settle that issue. I certainly would be willing to abide by the decision of the electorate after a vote on the referendum, so I would offer this amendment and ask for its affirmative consideration.

Senator KELLEY. Mr. President, the amendment currently before the Body is a deviation from the issue of privatization or not, and it is a shifting of the issue to representative government. I have been involved as long, if not longer than the gentleman from Montgomery in the privatization issue, but must separate myself from him on the issue of the total democracy as opposed to the republic that we have, because where do you draw the line, Mr. President? On this issue, do we say we will have a referendum and, if so, why not on every other issue? How do we draw the line? We have the republic form of government. That is the very basis of existence of this Body in the General Assembly as well as the other Body in the General Assembly. I am willing to abide in this day and age, in this time, month, hour, whatever it be, on decisions of this Body or the other Body, individually or collectively, as to what that decision shall be. If we fail to represent our people, then that is our fault in accountability. Therefore, Mr. President, I would urge a negative vote.

Senator WILLIAMS. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

The PRESIDENT. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Mr. President.

Senator WILLIAMS. Mr. President, could the gentleman explain what study or survey he is talking about that gives him his opinion as to what the public thinks and specify what the specific questions in the survey were?

Senator GREENLEAF. Yes, Mr. President. I do not have the polls in front of me. I have been collecting them for about three or four years. If you want me to go over the individual Legislators who conducted the polls and what the results were, I can do that. There are probably about six or seven here on the Senate floor.

Senator WILLIAMS. Mr. President, what was the question asked of the public? That is the key thing. Everything is based on a premise that the public agrees to something. I would like to know specifically what that something was that the public was asked, assuming that the polls were accurate. What was the question?

Senator GREENLEAF. Mr. President, I have submitted polls in my Senatorial district. There have been polls submitted in a couple districts in Allegheny County of which I have possession.

Senator WILLIAMS. Mr. President, what was the gentleman's question? If he does not know what the other questions were, what was his question that gave him the conclusion he uses as his premise?

Senator GREENLEAF. Mr. President, if the gentleman would like to be at ease, I can pull those polls out. I do not have them in front of me. Basically, the question was, do you favor—and, believe me, it was not an attempt to slant the question, Mr. President, because when I took this poll in my particular district, for example, it was to genuinely find out how they felt about the issue because, quite frankly, the first time I was elected to the state Legislature, I had no real position on this issue and really had not made my mind up on this issue. Only after taking those polls and seeing those polls subsequently was one of the factors that I concluded that I should support this issue. It basically was—

Senator WILLIAMS. Mr. President, would the gentleman answer the question, and that is if he knows what the question was.

The PRESIDENT. If the gentleman will yield and let the gentleman from Montgomery complete his statement, then the gentleman—

Senator WILLIAMS. Mr. President, I merely asked a question. I did not ask him to give a speech about his opinion. I think I am entitled to an answer if he agreed to an interrogation. I did not ask for him to make a speech, so I think the problem here is one of confusion.

Senator GREENLEAF. If I may continue, Mr. President, the question as I remember was, basically, do you favor turning the state stores over to private enterprise? I think it was as simple as that and as direct and forthright as that.

Senator WILLIAMS. Mr. President, did he include in that question and did he advise the voters that would cause a \$60 million loss in revenue which would have to be made up by the taxpayers in some way? Did he include that in his question?

Senator GREENLEAF. Absolutely not, Mr. President. Talk about a slanted question. I did not want to prejudice it in one way or the other. That would absolutely prejudice them, one, and, secondly, it is not a concluded fact. I think that issue is up for debate as to whether we will lose revenues or not, so I would not include that in the question. I have, in fact, though, looked at a poll recently taken by one of our colleagues in the western part of the state where he put that in the question, and it still came back 68 percent in favor of getting rid of the stores. But, no, I did not.

Senator WILLIAMS. Mr. President, may I speak on the amendment?

The PRESIDENT. The gentleman may proceed.

Senator WILLIAMS. Mr. President, I think that is what is wrong with this verbal skullduggery on the issue of liquor. It appears as though some who would want private enterprise—which I do not disagree with private enterprise but of this controlled drug—would make it appear as though the many years of control in this state is something evil and nefarious merely because there has been some trouble in the agency, I think is a very dangerous precedent to build upon. The gentleman's argument and his answers to the question were as vague as one could be, as messy as one could be. He calls for the citizenry to decide a question yet to be debated. If he knows how much money is going to be gained or lost, then he should say so, and he should say so to us. He should say so to the constituents. If he does not know, he should find out. If he does know and is not saying so, I think that is part of the verbal skullduggery by which we are thumping over the heads of our citizens a proposition involving money at the sacrifice, yes, of a loose drug on our highways. On the one hand, we talk about, gee, we do not want drunk driving, but, yet, we want to give up control. On the other hand, we say private enterprise, whoever that may be, is no sacred cow. That company that just overran in an unprecedented fashion is private enterprise, and indictments will flow. There is no magic either way, but it is true that if you say private enterprise in some survey, it has some meaning.

I agree with the gentleman from Westmoreland, Senator Kelley, when he said it is our responsibility to legislate. Sometimes you do call for a referendum. Liquor is not a matter that needs a referendum. That is very low, I would submit, on the totem pole of the kinds of things we want to be influenced by. Liquor and alcohol is that important, in that many people have died from that, many crimes have flowed from that, the awesome amounts of money that we have been exposed to? It is to me somewhat not too responsible—I will not say irresponsible—not to accept the responsibility ourselves as representatives of the government on an issue as meek as liquor, on an issue of whether or not we would control that commodity. Mr. President, the mere suggestion to turn over to the public the decision on that means that we cower, we cannot think, we are not concerned about the dangers of liquor. That is all that means. I cannot conceive we would do that. I will stand up or down on my own vote as a Legislator on this subject. I do not know why each and every one of us here cannot. We all collectively represent all of them to whom en masse the speaker would throw this question.

Mr. President, no. There are some matters, few though they are, that should go to referendum. Otherwise, let us function in the light of day as people elected to respond to the easy questions and the tough questions. I submit this is not very tough. It has been long because the interest on both sides, and especially on the side of private enterprise, wants to get in and put their grabby paws on the money. I do not have any problem with that as long as we are assured of savings. I am

told we will lose money. As long as I am sure that that pie will be shared by everybody, I do not think that is so, as long as I am assured that this dangerous drug called liquor is not just willy-nilly thrown once again upon the public highways and streets of this Commonwealth.

Senator BELL. Mr. President, I do not need a general referendum to determine how I should vote, and the referendum being the people in Montgomery County telling me from Delaware County how I should vote. I have had a referendum every four years I have run for reelection. Before I ran last year, this booze business came up and people knew where I stood. You know, I had one of the biggest majorities I have ever had—38,000. I will tell you that if you want a real referendum, put out to the people whether they want that 36 percent Johnstown Flood Tax repealed. I will go for that one. It is 18 percent and 18 percent because 18 percent is cranked into the cost of booze and then it is up to 100 percent. That is what the people down my way are fed up with, the high cost of booze.

Senator ZEMPRELLI. Mr. President, I would remind the Members of the caucus that there was an indication they wanted to vote in the negative on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—8

Corman Fisher	Greenleaf Hess	Kratzer Lemmond	Stauffer Tilghman
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NAYS—40

Andrezski	Hopper	Moore	Scanlon
Armstrong	Jones	O'Pake	Shaffer
Bell	Jubelirer	Pecora	Shumaker
Bodack	Kelley	Peterson	Singel
Brightbill	Lewis	Reibman	Stapleton
Early	Lincoln	Rhoades	Stout
Fumo	Loeper	Rocks	Wenger
Hankins	Lynch	Romanelli	Williams
Helfrick	Madigan	Ross	Wilt
Holl	Mellow	Salvatore	Zemprelli

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, as amended?

It was agreed to.

The PRESIDENT. Senate Bill No. 1178 will go over, as amended.

MOTION TO REREFER

Senator STAUFFER. Mr. President, I thought there was going to be another amendment offered. I move that Senate Bill No. 1178, along with the amendments that have been adopted, be rereferred to the Committee on Appropriations.

The PRESIDENT. The Chair reverses its decision by which Senate Bill No. 1178 went over in its order on third consider-

ation, and Senator Stauffer moves that Senate Bill No. 1178 be rereferred to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1178 will be rereferred to the Committee on Appropriations, as amended.

RECONSIDERATION OF HB 808

BILL ON THIRD CONSIDERATION AMENDED

HB 808 (Pr. No. 910) — Senator STAUFFER. Mr. President, I move to reconsider the vote by which the amendment offered by Senator Scanlon was agreed to on third consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—46

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

NAYS—2

Early Pecora

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

The PRESIDENT. House Bill No. 808 will go over, as amended.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AMENDED

SB 1207 (Pr. No. 1612) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 23, by inserting after “STATUTES,”: transferring and

Amend Sec. 1 (Sec. 705), page 4, line 1, by striking out “18” and inserting: 17

Amend Sec. 3, page 5, line 22, by striking out “JULY 1, 1986” and inserting: immediately

On the question,

Will the Senate agree to the amendment?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Lehigh, Senator Kratzer.

The PRESIDENT. Will the gentleman from Lehigh, Senator Kratzer, permit himself to be interrogated?

Senator KRATZER. I will, Mr. President.

Senator KELLEY. Mr. President, would the sponsor of the amendment, the gentleman from Lehigh, Senator Kratzer, explain it, please?

Senator KRATZER. Mr. President, I believe this is a technical amendment with regard to the makeup of the State Veterans Commission in terms of changing the word “statutes” in one of the titles and consolidating the bill and the amendment into the Military Code rather than the Administrative Code of 1929.

Senator KELLEY. Mr. President, do I understand that the amendment does not make any change in substance of current law?

Senator KRATZER. No, Mr. President, this current amendment does not make changes in current law.

Senator KELLEY. Mr. President, so the answer to the question is yes, it does not change current law substantively?

Senator KRATZER. That is correct, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. Senate Bill No. 1207 will go over, as amended.

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator O’Pake and Senator Zemprelli.

The PRESIDENT. Is there any objection to temporary Capitol leaves for Senator O’Pake and Senator Zemprelli? The Chair hears none. Those leaves are granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1208 (Pr. No. 1599) — The Senate proceeded to consideration of the bill, entitled:

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.

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	Scanlon
Armstrong	Holl	Mellow	Shaffer
Bell	Hopper	Moore	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	Peterson	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Lemmond	Rhoades	Tilghman
Fumo	Lewis	Rocks	Wenger
Greenleaf	Lincoln	Romanelli	Williams
Hankins	Loeper	Ross	Wilt
Helfrick	Lynch	Salvatore	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 ON THIRD CONSIDERATION AMENDED

SB 1210 (Pr. No. 1610) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1963 (P. L. 174, No. 104), entitled, as amended, "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof who are blind, paraplegic, have suffered the loss of two or more limbs as a result of military service or have a one hundred per cent permanent disability;....," extending the act to include the unmarried surviving spouse of an eligible veteran; and making editorial changes.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 2), page 3, line 2, by inserting after "Commission.": If the surviving spouse shall remarry, the tax exemption granted herein shall terminate.

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, the effect of this amendment is to make it clear in the law that once a widow remarries, there is no longer a continuing need for the exemption.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 1210 will go over, as amended.

BILL OVER IN ORDER

SB 1215 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1247 (Pr. No. 1639) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled "Regulatory Review Act," extending the expiration date of the act.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator SINGEL. Mr. President, I intend to vote "no" on this bill, and I want to take one minute to explain why. The Independent Regulatory Review Commission was established to oversee regulations promulgated by the Administration and Executive Branch with the advice and consent of the relevant committee. What we have seen on numerous occasions is that the commission is neither independent nor does it carry out its regulatory function and its review function properly. In fact, there have been occasions in the past that the IRRC has, in fact, made an action in direct contravention to what the Standing Committee in the General Assembly has recommended.

Mr. President, I would suggest that we would be doing the citizens of this Commonwealth a greater service if we would let the sun set on the Independent Regulatory Review Commission and instead take more responsibility in the General Assembly itself for oversight on administrative actions. We should and we could be doing more oversight of regulations. We can in the committee structure itself review the regulations and obviate the need for the Regulatory Review Commission. I ask for a negative vote.

Senator KELLEY. Mr. President, the gentleman from Cambria makes a very good and valid observation about our experience with the Independent Regulatory Review Commission. I ask, however, that we have an affirmative vote for this reason: The extension is just for a year and six months, and it is during that period of time that it is the commitment of the Chairman of the Committee on State Government in this Body, along with my position as Minority Chairman, that we are going to be studying this intensively, that we expect the other Body's relevant committees to do likewise, and to come back and either give it high grades for continuation as is or with substantive amendments to change it or have an appropriate demise and requiem. I urge an affirmative vote for this particular bill for that reason.

Senator LINCOLN. Mr. President, I think the remark of the gentleman from Westmoreland, Senator Kelley, that it is only for eighteen months is something that we should think about. Continuing this particular commission for eighteen minutes is too long. You talk about an abominable mistake made by the General Assembly when Senate Bill No. 1 was passed several years ago, and it was passed under the guise of being something that was going to allow the General Assembly to keep control over regulations and cause those regulations to become part of the law in a much quicker period of

time. I can bring on this floor and very graphically display a twelve foot long slide rule that shows the beginning of this particular activity with the Independent Regulatory Review Commission. At the beginning it took one inch of that twelve foot long ruler for regulations to get through, and already in the short period of time that law has been in effect, it stretched to twelve feet. It is an absolute waste of money. It is a waste of time, and if we allow it to go on for eighteen months, that slide rule is going to be another eight feet long. Talk to your businessmen who have had to deal with it, talk to your constituents, talk to your consumer groups. We made a horrible mistake when we passed this bill a few years ago. I was on the Committee of Conference, and I can remember how quickly that was done. It was typical of what we do sometimes with good intentions.

I am asking you to consider what eighteen more months can mean. We have an opportunity this evening to put it out of the way, forget it, admit we made a mistake and move forward with something that may work if we have to have it, but let us do it with nothing in place. This could be one of the most important votes that we have made in a long time, and I know we are going through a whole lot of rigamarole here with the Sunset review and all the other things and it is ganging up on us, but think about this vote. It is a good opportunity for you to do this state a favor and get rid of one of the most debilitating things that we have ever put into existence. I urge you to vote "no."

Senator SCANLON. Mr. President, some twelve or fourteen years ago I went to a legislative conference, and at that conference one of the biggest problems that the Legislators talked about from all over the country was the fact that administrative regulations were running amuck, that they were contravening legislative intent, and something had to be done for the Legislature to acquire control of the regulatory function. I came back, and Senator Kury and I put the first bill into this Senate that had to do with the creation of an agency to get control over administrative regulations and to make sure that they were the watchdog for legislative intent. We could never get it passed, but Senator Hager, when he was the President pro tempore of this Senate, one Session made it Senate Bill No. 1, and I was the sponsor of it. The idea, as I conceived it and as I think most people did, was the Independent Regulatory Review Commission was to make sure that bureaucracy over in the Executive Branch did not, by regulation, supersede or obviate the intention of this Legislature. The last three years of their existence has proven to me that it was a mistake. We have created another expensive monstrosity. Rather than ensuring that legislative intent as part of their regulations, on several occasions, without going into particulars, they have stated that we know the Legislature disagrees with us; however, this is "What we think." Now that is not what the Independent Regulatory Review Commission was created for. They were created to assist us to acquire control over the regulatory functions of this government. I ask a "no" vote on this bill.

Senator BELL. Mr. President, I am talking too much. It seems everything I am interested in is coming up this afternoon.

I think the problem with the Regulatory Review Commission is with the people who appoint the Members. I believe it is the President pro tempore, Speaker of the House and the Governor. They are legislative leaders, and rather than complain about the process, we ought to go to our own leadership and tell them to straighten it out. I hate to differ with my good friend, the gentleman from Allegheny, Senator Scanlon, but every regulation that comes over to our Committee on Consumer Protection and Professional Licensure we scan carefully, we explain it and we reject about half of them. Then we have our people from our committee go to the commission and tell them why we rejected it. To give you an example, the PUC sent us a regulation to have outside meters erected so people could see what is being used with their electricity and then they could read them easier. Do you know that regulation was so written that some of the meters would be up on the top of the telephone poles? I asked the PUC man how in the name of God can I, at my age, climb a telephone pole to read my meter? This is the absurdity of some of these regulations. Seriously, I think we should have the IRRC. I think we should close some of the gaps, and I can tell you where they are because before we had that and those regulations came over, we did not have any input and they would do as they please and you would have climbed a telephone pole to read your electric meter.

Senator ZEMPRELLI. Mr. President, I have listened to the debate, and I have very strong feelings about what we are about here for the following reasons: First of all, I admit the agency that we speak of is imperfect. As a matter of fact, it is just as imperfect as we are. I also admit that there is room for improvement. Mr. President, let us not forget what the dire need for this agency was in the first instance. Let me point out some examples that gave rise to the genesis and the birth of the Independent Regulatory Review Commission.

Number one, you had a Consumer Advocate in the Commonwealth of Pennsylvania who tried to get legislation through with respect to means of collecting bills, and so forth, which would have been a serious spear in the side of the economic and business community in this Commonwealth, and when he found out that he could not get those regulations through the power of passing a bill, he promulgated the regulations a day or two before he left office. Those had the force and effect of law. I know from personal experience, both in the private area and the public area of the agency, such as the funeral directors and others who believed that those agencies were created for the purpose of promulgating the best interests of funeral directors, and I do not cite them out in a derogatory fashion, but only to be exemplary of the kind of problem that existed. You have people out there operating these agencies and boards who have no idea what the legislative intent is, and the danger of not having a review board is that when we, by derivative power, give them the power to promulgate rules and regulations, once promulgated through

their own single and unilateral authority, they acquire the force and effect of law. Some are good, some are bad. Why are we in the posture where we have both sides of the aisle on a nonpartisan basis either for or opposed to these regulations? Because each of us has been stepped upon in one fashion or another as a result of the action of that organization. I can think of the certified public accountants being upset at some of the regulations that were imposed or promulgated by that board. I can also think of the recent events that had to do with beer distributors offending certain people. It is an agency that is replete with controversy, and it is going to continue to be because that is the main stem of the function of a regulatory agency. The best you can hope for is that the personalities of those persons who are appointed to that agency will act in the highest and best interests of this Commonwealth and endeavor to be objective. To throw the agency out simply because it has not met our every expectation is wrong. To not recognize that the purpose and function of the agency is to review those bodies that we do not come under and those bodies which we do not even have the chance to observe in their functioning is another matter altogether. I can understand the wrath because I have had that same attitude about some of the things that the board has done, particularly in the areas of insurance and others. But I know this: It has been a godsend in many instances if we could reflect upon some of the things that that agency has done.

I conclude as I started, it is an imperfect agency. I am reminded of a situation where you take a man from the streets of the world and life and put him into a position of authority, and put a tin badge on him, he sometimes believes his authority is greater than that which was expected to be in the first instance. Maybe to a degree that is part of the problem, but it needs some growth, it needs some understanding. I say to you, if you take and study the good and the bad that has been involved with this agency, the pluses are much greater than the minuses, and there have been minuses there. I plead with you to not react emotionally over this issue. Make a study of the good that this agency has done, how it has acted as a legislative arm in the best interest of the Commonwealth, and vote to continue the agency with this bill that is before us.

Senator SCANLON. Mr. President, I did not intend to make an issue out of the problem with the advertising for beer distributors, but that is a case in point, and it is one of the reasons that my ire has arisen. The Liquor Control Board, by regulation, permitted beer distributors to advertise their prices. In the due course of events, that came over to the Senate Committee on Law and Justice which, by a vote of 10-1, disagreed with the regulation. In due course, the same regulation went over to the House Liquor Control Committee and, there, I do not know the number, but it was an overwhelming vote against the regulation, so both Chambers of this Legislature indicated their discontent with that regulation. In due course, it went over to the IRRC and, in the preamble to their resolution, they acknowledged the fact that the Senate committee disagreed with them and the House committee disagreed with them, but in their preamble they say

these people do not know what they are talking about, therefore, this regulation is going to be approved. They had absolutely no right when there had been a clear expression of legislative intent to contravene it. For that reason, I think they should ride off into the sunset.

Senator KELLEY. Mr. President, this might be a first. I know it is a first for me. I stood up here on this matter and spoke in the affirmative and, after listening to the debate, I am going to change my mind. I would hope that would be taken as a compliment to everyone who spoke on the merits, rather than of some incompetency in myself, but when you reflect upon it, everybody, both sides so far seemed to make some sense. But, the conclusion would be, in my judgment, what the gentleman from Allegheny said about it being an imperfect world and an imperfect structure, that it has done good and it has done bad. The gentleman from Allegheny, Senator Scanlon, who was involved in the first instance on the program, talked about some of the adverse effects with which we are all familiar. It came upon my mind, instead of adopting what I said we should do in the first place by giving an eighteen month extension, that there is such an interest among all the Members of this Body, and I would assume the other Body as well, that instead of waiting eighteen months, let the matter expire at the end of this month. We can then come forth with all our experience, and we can then reincarnate some other instrumentality with the perfections of that experience. It will not take eighteen months because, obviously, with the interest that has been expressed here, we will have it in a few months.

Mr. President, I would suggest that wisdom would say, vote in the negative. Let it expire automatically, and then come January, a fresh new year, the second half of this Session of the General Assembly, we can do an expert job in making sure we do not duplicate the mistakes of the past in this particular commission and conceive something new and better that our sister states may follow and have it follow the legislative intentions on regulations that are offered.

Senator LINCOLN. Mr. President, I rise very reluctantly after the previous speaker's remarks. Knowing him for the number of years I have, I am afraid I might change his mind again.

I feel very strongly about this matter, and that is the reason at 7:07 this evening I am still talking on it. Back in the mid 1970's, when I was in the House, a whole gang of new people came into the General Assembly, especially in the House, and we talked about ways of controlling the regulatory process and controlling what regulations were promulgated by the different departments. A group of us got to the point where every piece of legislation that came through there was amended to read that any regulations promulgated pursuant to this act shall be approved by the Members of the General Assembly in the appropriate standing committee. Why we ever went away from that I will never understand. Why we allowed another bureaucracy to be set up, I will never understand. If we allow that particular bureaucracy in its ineffective way to continue, eighteen months from now I may not be

here, some of the other people participating in this debate tonight may not be here, but I can guarantee you that different faces and different people will be saying the same thing because it is not going to get better in eighteen months, it is not going to change in eighteen months. Let us do away with it and early next year start looking at some way of amending each piece of legislation if we have to, to see that we do not give up control over regulations. We would not allow a piece of legislation that we worked very diligently on, that we became very interested in, that we ourselves spent hours and hours and hours developing, debating and getting passed, we would not allow that particular action to take place with no knowledge and no input. That is precisely what we are doing when we turn this over to this commission. I would ask you this evening to think about that, and if you are interested in having a handle on some of the regulations which cause us grief because people always put the regulations in the same category with the bill that we passed, vote "no" on this piece of legislation and let us start at the beginning of the year and look for something to replace it.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—31

Andrezski	Greenleaf	Lewis	Salvatore
Armstrong	Helfrick	Loeper	Shaffer
Bell	Hess	Madigan	Shumaker
Bodack	Holl	Moore	Stauffer
Brightbill	Hopper	Pecora	Tilghman
Corman	Jubelirer	Peterson	Wenger
Early	Kratzer	Reibman	Zemprelli
Fisher	Lemmond	Rhoades	

NAYS—18

Fumo	Lynch	Romanelli	Stapleton
Hankins	Mellow	Ross	Stout
Jones	Musto	Scanlon	Williams
Kelley	O'Pake	Singel	Wilt
Lincoln	Rocks		

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 LEAVES CANCELLED

The PRESIDENT. The Chair notes the return to the floor of Senator Andrezski and Senator Zemprelli whose Capitol leaves will be cancelled.

LEGISLATIVE LEAVE

The PRESIDENT. Is there an objection to a Capitol leave for Senator Fumo? The Chair hears none. That leave is granted.

CONSIDERATION OF CALENDAR RESUMED

SB 615 CALLED UP

SB 615 (Pr. No. 1593) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER.

BILL OVER IN ORDER

SB 615 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 350 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 66 (Pr. No. 2594) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), converting State heating systems to the use of coal which has been produced in Pennsylvania.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 535, 611 and HB 690 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 696 (Pr. No. 2608) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6., No. 2), known as the "Tax Reform Code of 1971," further providing for an information statement for terminated employees and for the tax on real estate transfers.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 735, HB 801, SB 876, 1010 and HB 1073 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1075 (Pr. No. 1609) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," authorizing acquisitions of bank holding companies and banks in Pennsylvania by bank holding companies located in other states on a regional, reciprocal basis for a period of five years and on a reciprocal basis without a regional requirement thereafter.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1100, 1132, 1136 and 1182 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1192 (Pr. No. 1535) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing leases in State parks.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1194 and 1228 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 1335 (Pr. No. 1584) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1984 (P. L. 34, No. 15), known as the "Pennsylvania Municipal Retirement Law," further providing for the payment of administrative expenses.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 1678 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 1892 (Pr. No. 2490) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), referred to as the "Legal Holiday Law," further providing that the third Monday in January shall be known as Dr. Martin Luther King, Jr. Day and observed as a holiday.

Considered the second time and agreed to,

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

UNFINISHED BUSINESS

REPORT FROM COMMITTEE

Senator HOPPER, from the Committee on Aging and Youth, reported the following bill:

SB 1180 (Pr. No. 1505)

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further providing for program criteria.

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:

SECRETARY OF THE COMMONWEALTH

November 21, 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 Robert A. Gleason, Jr., 552 Elknud Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as Secretary of the Commonwealth, to serve until superseded.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
YORK COUNTY

November 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 Gordon A. Roe, Esquire, 2436 Wildon Drive, York 17403, York County, Twenty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of York County, to serve until the first Monday of January, 1986, vice the Honorable James Buckingham, mandatory retirement.

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. The nominations will be laid on the table.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Barbara A. Moore, Fannie Rohrer and to Sallie Templeton by Senator Armstrong.

Congratulations of the Senate were extended to Miss E. Elizabeth Brown and to John Taylor by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Sofranko by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Leroy Noll, Sr. and to Lebanon Community Theater, Incorporated by Senator Brightbill.

Congratulations of the Senate were extended to James R. Spirko by Senator Fisher.

Congratulations of the Senate were extended to Christopher Joseph Evans, Kurt Joseph Evans and to F. Parson Kepler by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Roy S. Trone by Senator Hess.

Congratulations of the Senate were extended to William R. Collins by Senator Hopper.

Congratulations of the Senate were extended to John S. Benson by Senator Howard.

Congratulations of the Senate were extended to Darlene Crystal Snowden by Senator Jones.

Congratulations of the Senate were extended to Mrs. Hattie Johnson by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Mario Dalla Palu and to David Elmore by Senator Kratzer.

Congratulations of the Senate were extended to Mr. and Mrs. Earl M. Bardo, Mr. and Mrs. Clarence G. Bowman, Mr. and Mrs. George L. Hughes, Mr. and Mrs. Charles W. McConnell, Mr. and Mrs. Harlan Rowe and to Anthony Barnatovich by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Frank A. Radka by Senator O'Pake.

Congratulations of the Senate were extended to Jay A. Lorah by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Marlin Schuetrumpf by Senator Rhoades.

Congratulations of the Senate were extended to Mr. Bernard Featherman and Dr. Sandra Featherman, Mark Steven Gubicza and to the Carpenter's Apprenticeship School of Philadelphia by Senator Rocks.

Congratulations of the Senate were extended to Amy and Ira Morgan, Mrs. Beatrice Goldszer, Sol H. Ruben, Ruth G. Schachter and to Robert Rade Stone by Senator Romanelli.

Congratulations of the Senate were extended to Charles Andrew Christopher, Jr. and to Anthony Pharr by Senator Ross.

Congratulations of the Senate were extended to Noah M. Eger, David F. Mack, David J. Rose and to Douglas P. Vietmeier by Senator Scanlon.

Congratulations of the Senate were extended to Mr. and Mrs. Louis F. Bachman and to Mr. and Mrs. Russell Wile by Senator Shaffer.

Congratulations of the Senate were extended to Dr. Fearn S. Russler by Senator Shumaker.

Congratulations of the Senate were extended to Ms. Kate Gleason by Senator Singel.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Goga, Mr. and Mrs. Harold C. Miller, Mr. and Mrs. Lewis Nichols, Sr. and to the Rices Landing Volunteer Fire Department by Senator Stout.

Congratulations of the Senate were extended to C. Lloyd Dagen by Senator Wenger.

BILLS ON FIRST CONSIDERATION

Senator LOEPER. 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 1180, 1259, 1260, HB 784, 1353 and 1440.

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

PETITIONS AND REMONSTRANCES

Senator TILGHMAN. Mr. President, earlier today, on page 4, Senate Bill No. 1178, the change in the Liquor Code—we call it the liquor bill—was referred to the Committee on Appropriations for a fiscal note. There are costs in the bill. We are working now on a fiscal note, and it is our hope that we can bring this bill up for immediate consideration as soon as we get the time frame worked out with our friends on the other side of the aisle. I want this spread on the record so the Senators who are listening will know that this bill will be considered by the Committee on Appropriations as soon as possible.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 826 and 1082.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1102**, with the information the House has passed the same without amendments.

**HOUSE INSISTS UPON ITS
NONCONCURRENCE IN AMENDMENTS
TO HB 1363, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrency in Senate amendments to **HB 1363**, and has appointed Messrs. LINTON, LLOYD and MILLER as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**GENERAL COMMUNICATIONS
BILLS INTRODUCED AND REFERRED**

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

December 9, 1985

Senators STOUT, MUSTO, MELLOW, LINCOLN and ZEMPRELLI presented to the Chair **SB 1261**, entitled:

An Act providing emergency funding for the flood-stricken counties of Allegheny, Fayette, Greene, Lackawanna, Luzerne, Somerset, Washington and Westmoreland; and making an appropriation.

Which was committed to the Committee on APPROPRIATIONS, December 9, 1985.

Senators ROCKS, LYNCH, FUMO and SINGEL presented to the Chair **SB 1262**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further providing for prescription limits.

Which was committed to the Committee on AGING AND YOUTH, December 9, 1985.

Senator BELL presented to the Chair **SB 1263**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the defense of certain suits against district engineers and traffic or safety chiefs.

Which was committed to the Committee on TRANSPORTATION, December 9, 1985.

Senator BELL presented to the Chair **SB 1264**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for standards of financial eligibility for medically needy persons.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 9, 1985.

Senators FISHER and FUMO presented to the Chair **SB 1265**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the licensing of persons to carry a firearm.

Which was committed to the Committee on JUDICIARY, December 9, 1985.

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 901**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators SHUMAKER, CORMAN and STOUT as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 901.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 902**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators SHUMAKER, CORMAN and STOUT as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 902.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 417**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators FISHER, BRIGHTBILL and MUSTO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 417.

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

BILLS SIGNED

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

SB 1102 and HB 1635.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, DECEMBER 10, 1985

10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 1030,	Room 460, 4th Floor Conference Rm.,
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	1243 and Department of Public Welfare Regulation 14-267, Child Protective Services - Child Abuse)	North Wing
11:30 A.M.	JUDICIARY (to consider House Bills No. 249, 250, 502, 503, 717; Senate Bills No. 22 and 1162)	Room 461, 4th Floor Conference Rm., North Wing
1:45 P.M.	APPROPRIATIONS (to consider House Bill No. 1013)	Room 461, 4th Floor Conference Rm., North Wing

WEDNESDAY, DECEMBER 11, 1985

9:00 A.M.	LAW AND JUSTICE (Public Hearing on House Bill No. 843)	Senate Majority Caucus Room
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WEDNESDAY, DECEMBER 18, 1985

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing on House Bill No. 1639 (PUC Sunset))	Senate Majority Caucus Room
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MONDAY, DECEMBER 30, 1985

10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing on House Bill No. 1362 (Chiropractors))	Senate Majority Caucus Room
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WEDNESDAY, JANUARY 8, 1986

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on Senate Bill No. 191, "bottle bill" and the litter tax proposal)	Room 461, 4th Floor Conference Rm., North Wing
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10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing on House Bill No. 1362 (Chiropractors))	Senate Majority Caucus Room
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TUESDAY, JANUARY 14, 1986

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing on House Bill No. 1639 (PUC Sunset))	Senate Majority Caucus Room
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WEDNESDAY, JANUARY 15, 1986

10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing on Senate Bill No. 720 (Counselors))	Senate Majority Caucus Room
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ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, December 10, 1985, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:07 p.m., Eastern Standard Time.