

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 11, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 78

SENATE

WEDNESDAY, December 11, 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.

Dear God, Father of us all, as we rapidly approach the time that marks the celebration of the birthday of Thy Son, may we find ourselves filled with the peace that passes understanding and the joy of life that fills our very beings.

Help us all to temper our daily living with justice toward all men and with the vision of equality for all peoples.

Dear Lord, as we go about the daily tasks that You place before each of us, may we do our very best to strive for fairness in our dealings with one another, honesty in our concerns for our fellowmen and goodness tempered with loving concern for the welfare of all.

Keep before us, O Lord, the image of our responsibility not only to ourselves, to the political base we represent, but, more especially, to the responses that You would demand of all who serve.

Guide this great Body by Your spirit, that as we would assess those accomplishments of the year that is rapidly drawing to a close, we will be able to know that we have been giving our very best in whatever was placed before us.

As this Senate comes to adjournment for the celebration of the holiday season, may each Member find joy and peace in his or her heart, and may that peace be reflected in such a way by the daily expression of living that others who may come into contact with us may also see and feel that joy and peace.

And, O Lord, bless this day, and in all future days all of those of this state government, in whatever their capacity of service, that they all might be of one thought and purpose, that being to bring about Your will for all people everywhere.

This we pray in the name of Jesus Christ, our Lord. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 10, 1985.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Appropriations to meet off the floor today to consider House Resolution No. 198, the Committees of Conference on Senate Bill No. 901 and Senate Bill No. 902 to meet and the Committee on Rules and Executive Nominations to meet off the floor today to consider Senate Resolution No. 114.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request temporary Capitol leaves on behalf of Senator Salvatore and Senator Helfrick.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Musto and Senator Romanelli.

The PRESIDENT. Are there any objections to Capitol leaves for Senator Salvatore, Senator Helfrick, Senator Musto and Senator Romanelli? The Chair hears none. Those leaves are granted.

LEAVES OF ABSENCE

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

He also asked and obtained leave of absence for Senator HESS, for today's Session, for medical reasons.

Senator MELLOW asked and obtained leaves of absence for Senators LEWIS and ZEMPRELLI, 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 927, 964, 1134 and 1135**, 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 INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 417, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 417**, and has appointed Messrs. GEORGE, COY and HASAY 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.

### 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 11, 1985

**HB 371 and 790** — Committee on Public Health and Welfare.

**HB 1680** — Committee on Consumer Protection and Professional Licensure.

**HB 1933** — Committee on Appropriations.

### 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 11, 1985

Senator HOLL presented to the Chair **SB 1266**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding child restraint seats from the sales tax.

Which was committed to the Committee on FINANCE, December 11, 1985.

Senators CORMAN, SHUMAKER, KRATZER, WENGER, PECORA, O'PAKE, SALVATORE and HOPPER presented to the Chair **SB 1267**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing counties to act as coordinators for certain transportation programs.

Which was committed to the Committee on TRANSPORTATION, December 11, 1985.

Senators CORMAN, SHUMAKER, KRATZER, WENGER, PECORA, O'PAKE, SALVATORE and HOPPER presented to the Chair **SB 1268**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," authorizing counties to act as coordinators for certain transportation programs.

Which was committed to the Committee on TRANSPORTATION, December 11, 1985.

### 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 10, 1985

### AMENDING SENATE FINANCIAL OPERATING RULE II 4 a(1), (2) AND (3) AND 5 b

Senator JUBELIRER offered the following resolution (**Senate Resolution No. 114**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, December 10, 1985.

#### A RESOLUTION

Amending Senate Financial Operating Rule II 4 a(1), (2) and (3) and 5 b.

RESOLVED, That Senate Financial Operating Rule II 4 a(1), (2) and (3) and 5 b, be amended to read:

II. Travel Allowances and Reimbursements.

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4. Allowable Transportation Expenses.

a. General.

(1) Common or Chartered Carrier. A member or employee may be reimbursed for reasonable actual costs of carriage when traveling by common or chartered carrier, including expenses for parking, taxis, limousines and tolls. He cannot claim payment based on miles travelled.

(2) Personal Vehicle and Noncommercial Conveyance. A member or employee who uses his personal vehicle [or a noncommercial vehicle or a noncommercial aircraft may be reimbursed for actual expenses or on such mileage basis as may be promulgated by the Senate Committee on Management Operations.] may be reimbursed on such mileage basis as may be established by the Senate Committee on Management Operations. Reimbursement for use of other noncommercial vehicles or noncommercial aircraft shall be made on such basis as may be established by the Senate Committee on Management Operations.

(3) Leased Vehicle. A member who uses a vehicle leased on a long-term basis may elect to be reimbursed either on a mileage basis (Rule II.4.a(2)) or an actual cost basis. [Having elected to claim reimbursement for the actual expense of the lease under Rule II.3.a., the member then may not be reimbursed on a mileage basis.] However, having elected to receive reimbursement on a mileage basis after having been reimbursed on an actual cost basis, the member shall offset against future expense claims an amount equal to the paid but unused portion of automobile insurance for that vehicle. Such member may be reimbursed only for up to 95% of the actual vehicle operating expenses. Actual vehicle operating expenses

shall include gasoline, oil, lubrication, repairs, tires, supplies [and insurance. The mileage and actual cost basis may not be combined.], insurance, maintenance and other reasonable incidental items necessary to the operation of the vehicle. A member may not be reimbursed for the use of a personal vehicle during any period of time that the member is being reimbursed for a leased vehicle, except when the leased vehicle is unavailable for reasons beyond the control of the member.

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5. Documentation.

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b. Receipts.

Receipts must be submitted to support the cost association with claims for:

(1) Travel by common or chartered carrier.

(2) Leased vehicle or conveyance operation.

Receipts for gasoline and maintenance shall include the license number of the vehicle and the location of the purchase. In addition, a copy of such lease and vehicle registration certificate must be on file with the office of the Chief Clerk.

(3) Parking, limousine [and], toll charges and other miscellaneous incidental items when any of these items exceed \$10.

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RESOLVED, That this resolution shall take effect January 1, 1986, or, if enacted thereafter, immediately.

#### LISTS OF LOBBYISTS AND ORGANIZATIONS

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

#### SENATE OF PENNSYLVANIA

December 11, 1985

To the Honorable, the Senate of the Commonwealth of Pennsylvania

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from November 19, 1985 through December 10, 1985 inclusive for the 169th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:  
 MARK R. CORRIGAN  
 Secretary of the Senate  
 JOHN J. ZUBECK  
 Chief Clerk  
 House of Representatives

(See Appendix for complete list.)

#### BILL SIGNED

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

**HB 1335.**

#### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would also at this time like to request a temporary Capitol leave on behalf of Senator Shumaker.

The PRESIDENT. Is there any objection to a temporary Capitol leave for Senator Shumaker? Hearing none, that leave is granted.

#### REPORT FROM COMMITTEE

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

**HB 209 (Pr. No. 2652) (Amended) (Rereported)**

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

#### SENATE CONCURRENT RESOLUTION

#### RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, December 11, 1985.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, January 7, 1986, unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, January 7, 1986, unless sooner recalled by the Speaker of the House of Representatives.

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

#### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would also at this time like to ask for an additional temporary Capitol leave for Senator Fisher who has been called to participate in a meeting of the Committee on Conference.

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

#### CALENDAR

#### HB 1353 CALLED UP OUT OF ORDER

**HB 1353 (Pr. No. 2615)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL ON THIRD  
CONSIDERATION AND FINAL PASSAGE

**HB 1353 (Pr. No. 2615)** — The Senate proceeded to consideration of the bill, entitled:

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

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 following prepared statement was made a part of the record at the request of the lady from Philadelphia, Senator JONES:)

I am very happy today to be able to vote in favor of House Bill No. 1353. This bill represents a very important commitment from the state to begin to go beyond shelter for our homeless citizens. It is an acknowledgement that homelessness cannot be relieved simply by opening up church basements and setting up cots to give the homeless a place to sleep for the winter. I would like to thank those from both parties who worked so hard to produce a piece of legislation which could start the important work of providing a route out of the deadend of homelessness. I would particularly like to thank the gentleman from Mercer, Senator Wilt, for sponsoring a trip to Philadelphia for the Committee on Public Health and Welfare so we could observe firsthand what services were and were not available for this needy group.

Because I represent the district I do, I find that I must remind my fellow Senators that this legislation, though significant, is only a small part of the answer to the problem of homelessness.

Many individuals and families in my Senatorial district and throughout the Commonwealth are confronted daily with the threat of becoming homeless. Families dependent of AFDC find they must spend more than 50 percent of their welfare grant on rent. Some must spend nearly all of it on rent. This means that if some other expense comes up, it is impossible to remain current on rent. A high gas bill or an emergency in the family can easily result in loss of a home. In addition, thousands of families and individuals are sharing inadequate housing with other low income friends or family members. Creation of some single room occupancy units is an important first step and will help some homeless individuals create permanent homes, but we must soon bring our attention to the need to stem the flow of families and individuals into the homeless stream.

The employment situation in our Commonwealth for young people, particularly those with minimal skills, is another area which must be addressed if we are to stem the flow of young adults into the homeless stream. Unemployment among high school dropouts under age twenty-five is a problem of tragic proportions—and many of these youth end up in our shelters with no resources to pursue job training or

remedial education. We must come back in January and focus our attention on how to prevent homelessness.

And the question recurring,  
Shall the bill pass finally?

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

YEAS—45

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

NAYS—0

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

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

**HB 696 CALLED UP OUT OF ORDER**

**HB 696 (Pr. No. 2645)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 696 (Pr. No. 2645)** — 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 excluding certain transfers from the tax on real estate transfers.

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—45

Andrezeski	Holl	Mellow	Salvatore
Armstrong	Hopper	Moore	Scanlon
Bell	Jones	Musto	Shaffer
Bodack	Jubelirer	O'Pake	Shumaker
Brightbill	Kelley	Pecora	Singel
Corman	Kratzer	Peterson	Stapleton
Early	Lemmond	Reibman	Stout
Fisher	Lincoln	Rhoades	Tilghman

Fumo	Loeper	Rocks	Wenger
Greenleaf	Lynch	Romanelli	Williams
Hankins	Madigan	Ross	Wilt
Helfrick			

**NAYS—0**

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

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

**RECESS**

Senator LOEPER. Mr. President, at this time I would request a recess of the Senate for the purpose of a Republican caucus to take place in the first floor caucus room, beginning at 2:15 p.m. In the interim, upon the recess, I request the Members of the Committee on Appropriations to report to the Rules Committee room for a brief meeting of the Committee on Appropriations.

Senator LINCOLN. Mr. President, I desire to very briefly interrogate the Majority Whip, the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator LINCOLN. Mr. President, we are going in recess at this time for purposes of a caucus and whatever else may have transpired or will transpire in that interim. Can the gentleman give me and our caucus some idea as to what the remainder of today's schedule will be like?

Senator LOEPER. Mr. President, depending upon the events that take place in the following caucus, it would be my best estimate that we could have a long day today and consider much of the work that is left to be done prior to the recess.

Senator LINCOLN. Mr. President, does the gentleman have intentions of being here tomorrow at all for Session?

Senator LOEPER. Mr. President, at this point in time we would like to try and see if it is possible to pretty much consider all the issues before us today.

Senator LINCOLN. Mr. President, I appreciate the candor of the gentleman's answers, and I realize those are very tough questions with how we do things around here at times. So we have some idea of what we are dealing with, can I have some idea of what time the gentleman is planning on coming back to continue the Session today?

Senator LOEPER. Mr. President, it would be my best guess that probably after our caucus, sometime in the neighborhood of 3:30 p.m.

Senator LINCOLN. I thank the gentleman very much.

Mr. President, I would ask the Members of the Democratic caucus to report immediately to the caucus room for a caucus.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations which will convene immedi-

ately in the Rules Committee room at the rear of the Chamber, and for Republican and Democratic caucuses, the Chair declares the Senate in recess.

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED**

**SB 1260 CALLED UP OUT OF ORDER**

**SB 1260 (Pr. No. 1674)** — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1260 (Pr. No. 1674)** — The Senate proceeded to consideration of the bill, 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.

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

**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.

**LEAVES CANCELLED**

The PRESIDENT. The Chair notes the return to the floor of Senator Zemprelli, Senator Musto, Senator Romanelli, Senator Helfrick and Senator Shumaker whose leaves will be cancelled. The Chair notes the return to the floor of Senator Lewis as well.

**CONSIDERATION OF CALENDAR RESUMED****HB 1678 CALLED UP OUT OF ORDER**

**HB 1678 (Pr. No. 2599)** — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AMENDED**

**HB 1678 (Pr. No. 2599)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), known as "The Dental Law," reestablishing the State Dental Council and Examining Board; providing for its composition, powers and duties; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2 (Sec. 2.1), page 3, line 10, by striking out "BECOMES" and inserting: become

Amend Sec. 5 (Sec. 4.1), page 15, line 4, by inserting after "ACT": , including the examination requirement

Amend Sec. 12 (Sec. 11.5), page 25, line 14, by inserting after "states": , territories, or countries

Amend Sec. 12 (Sec. 11.6), page 26, line 16, by striking out "ALL" and inserting: such

Amend Sec. 12 (Sec. 11.6), page 27, line 18, by striking out "SHOULD" and inserting: shall

Amend Sec. 12 (Sec. 11.6), page 27, line 29, by striking out "PODIATRIST" and inserting: professional

Amend Sec. 13, page 28, line 19, by striking out "BY THE BOARD OR THE COMMISSIONER" and inserting: in accordance with this act

Amend Sec. 14, page 28, line 24, by striking out all of said line and inserting: present terms of office expire, provided that any present board member whose term has expired on or before the effective date of this act shall serve until a successor has been

Amend Sec. 14, page 28, line 26, by striking out "expiration of their terms" and inserting: effective date of this act

On the question,

Will the Senate agree to the amendment?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator KELLEY. Mr. President, I respectfully ask the author of the amendment to explain it, please.

Senator LOEPER. Mr. President, these are technical amendments that clear up some drafting errors in the bill.

Senator KELLEY. Mr. President, I have heard the adjective "technical" used in some amendments that attempted to make some substantive changes in the past.

I wonder if we could be at ease so I could look at the amendment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. House Bill No. 1678 will go over in its order, as amended.

**HB 1000 CALLED UP OUT OF ORDER**

**HB 1000 (Pr. No. 2501)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AMENDED**

**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 LOEPER, by unanimous consent, offered the following amendment:

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

Amend Title, page 1, lines 16 and 17, by striking out "JUDGE," in line 16 and all of line 17 and inserting: Statewide judicial candidates; and permitting cross-filing for certain members of the minor judiciary.

Amend Sec. 5 (Sec. 630.1), page 12, line 3, by striking out the bracket before "UNLESS"

Amend Sec. 5 (Sec. 630.1), page 12, line 4, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia,

Amend Sec. 5 (Sec. 630.1), page 12, line 6, by striking out the bracket after "PEACE,"

Amend Sec. 6 (Sec. 909), page 13, line 16, by striking out the bracket before "UNLESS"

Amend Sec. 6 (Sec. 909), page 13, line 17, by inserting after "CANDIDATE": for a court of common pleas, for the Philadelphia Municipal Court or for the Traffic Court of Philadelphia,

Amend Sec. 6 (Sec. 909), page 13, line 19, by striking out the bracket after "PARTY"

Amend Sec. 7 (Sec. 910), page 14, line 14, by striking out the bracket before "UNLESS"

Amend Sec. 7 (Sec. 910), page 14, line 15, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia

Amend Sec. 7 (Sec. 910), page 14, line 17, by striking out the bracket after "PEACE"

Amend Sec. 8 (Sec. 976), page 16, line 22, by striking out the bracket before "EXCEPT"

Amend Sec. 8 (Sec. 976), page 16, line 23, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia

Amend Sec. 8 (Sec. 976), page 16, line 25, by striking out the bracket after "PEACE"

Amend Sec. 9 (Sec. 981.1), page 18, line 10, by striking out the bracket before "UNLESS"

Amend Sec. 9 (Sec. 981.1), page 18, line 11, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia,

Amend Sec. 9 (Sec. 981.1), page 18, line 13, by striking out the bracket after "PEACE,"

Amend Sec. 10 (Sec. 993), page 19, line 26, by striking out the bracket before "UNLESS"

Amend Sec. 10 (Sec. 993), page 19, line 27, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia,

Amend Sec. 10 (Sec. 993), page 19, line 27, by inserting after "OR": for

Amend Sec. 10 (Sec. 993), page 19, line 29, by striking out the bracket after "PEACE"

Amend Sec. 10 (Sec. 993), page 20, line 2, by striking out the bracket before ", UNLESS"

Amend Sec. 10 (Sec. 993), page 20, line 3, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia,

Amend Sec. 10 (Sec. 993), page 20, line 3, by inserting after "OR": for Amend Sec. 10 (Sec. 993), page 20, line 5, by striking out the bracket after "PEACE"

Amend Sec. 10 (Sec. 998), page 20, line 18, by striking out the bracket before ", UNLESS"

Amend Sec. 10 (Sec. 998), page 20, line 20, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia,

Amend Sec. 10 (Sec. 998), page 20, line 22, by striking out the bracket after "PEACE"

Amend Sec. 10 (Sec. 998), page 21, line 4, by striking out the bracket before ", UNLESS"

Amend Sec. 10 (Sec. 998), page 21, line 5, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia,

Amend Sec. 10 (Sec. 998), page 21, line 7, by striking out the bracket after "PEACE"

Amend Sec. 11 (Sec. 1004), page 21, lines 18 and 19, by striking out the bracket before ", EXCEPT"

Amend Sec. 11 (Sec. 1004), page 21, line 19, by inserting brackets before and after "RECORD" and inserting immediately thereafter: common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia

Amend Sec. 11 (Sec. 1004), page 21, line 21, by striking out the bracket after "PEACE"

On the question,

Will the Senate agree to the amendment?

Senator LOEPER. Mr. President, essentially, what this amendment does is it eliminates the provision of cross-filing for any statewide office.

Senator MELLOW. Mr. President, I would like to bring to the attention of the Members of the Democratic caucus that this was an amendment of much debate and much concern, and I believe there should be a roll call vote.

Senator ZEMPRELLI. Mr. President, I understand that these are difficult times and everybody is somewhat frus-

trated, but the recent history of elections at the state level would indicate that this particular measure comes out as a purely political matter. I would want the Members of my caucus and, in the interest of justice, the Members of both caucuses to understand that the motivation for this kind of amendment is basically with the fact that there have been some experiences—and I could name them and I am sure everybody in this Chamber knows what they are—wherein elections were held on cross-filing where Democrats were elected who were basically Republican nominees in two instances. There has been a little smarting about it. If you are asked to cross file, then it would seem to me, and it would seem to others, that the basis of cross-filing is a principle that has a broad base. If cross-filing is bad for statewide offices, it should be bad for all offices. If we are to identify or lose identity with respect to any particular function, whether it be at the township level, whether it be at the borough level, or the state level, then it is bad. But, to single out cross-filing at the state level is just a brash attempt to correct that which has been regarded as a political issue wherein Republicans came out on the short end of the stick on certain designated statewide elections.

Senator REIBMAN. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator REIBMAN. Mr. President, for clarification purposes, would the gentleman agree that his amendment eliminates cross-filing for appellate judges running statewide? Is that correct?

Senator LOEPER. Mr. President, the lady is correct.

Senator REIBMAN. Mr. President, does his amendment reinstate cross-filing for justices of the peace and school directors?

Senator LOEPER. That is correct, Mr. President.

Senator BELL. Mr. President, I might also add for the lady from Northampton, Senator Reibman, it also permits cross-filing by county judges.

In answer to my good friend, the gentleman from Allegheny, Senator Zemprelli, down our way we are just country boys, we are not the city slickers, and people go in on the top of the ballot and they do not know all these statewide judges from Adam. The guy who pulls number one gets elected. The guy who is down the road does not get elected. This is why the idea is to keep school directors, district justices and county court officers because local people usually know them, but for statewide judges all you have to do is put up so much money, get so many signatures on a petition, and if you pull the number one spot, you have a good chance of getting on the Supreme Court.

#### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, before we have a roll call vote, I would ask for a legislative leave on behalf of Senator Pecora who has been called from the floor.

The PRESIDENT. Is there any objection to a legislative leave for Senator Pecora? Hearing none, that leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator WILLIAMS. Mr. President, it sounded like my vote was in the affirmative. I meant "nay." I would like to be recorded in the negative.

The PRESIDENT. Senator Williams will be recorded in the negative.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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 required by Senator LOEPER and were as follows, viz:

#### YEAS—25

Armstrong	Holl	Madigan	Salvatore
Bell	Hopper	Moore	Shaffer
Brightbill	Jubelirer	O'Pake	Shumaker
Corman	Kratzer	Pecora	Tilghman
Fisher	Lemmond	Reibman	Wenger
Greenleaf	Loeper	Rhoades	Wilt
Helfrick			

#### NAYS—21

Andrezeski	Lewis	Peterson	Singel
Bodack	Lincoln	Rocks	Stapleton
Early	Lynch	Romanelli	Stout
Hankins	Mellow	Ross	Williams
Jones	Musto	Scanlon	Zemprelli
Kelley			

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

The PRESIDENT. House Bill No. 1000 will go over in its order on third consideration, as amended.

#### HB 971 CALLED UP OUT OF ORDER

**HB 971 (Pr. No. 2494)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 971 (Pr. No. 2494)** — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?  
Senator LOEPER, by unanimous consent, offered the following amendment:

Amend Sec. 5, page 4, line 25, by inserting a period after "hours"

Amend Sec. 5, page 4, lines 25 and 26, by striking out "and shall be published at least annually" in line 25 and all of line 26

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. Mr. President, I wish to indicate to the Members of the Senate from information received by me that what had been objectionable has now been approved because of the changes that have been made and, to the best of my knowledge, subject to revision, the amendment is acceptable.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. House Bill No. 971 will go over, as amended.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the return to the floor of Senator Fisher.

#### LEGISLATIVE LEAVE

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

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

#### CONSIDERATION OF CALENDAR RESUMED

#### HB 784 CALLED UP OUT OF ORDER

**HB 784 (Pr. No. 2616)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 784 (Pr. No. 2616)** — 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,

On the question,

Will the Senate agree to the bill on third consideration?

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



Amend Sec. 1 (Sec. 15), page 17, line 22, by striking out "JULY 31, 1987," and inserting: December 31, 1986,

On the question,

Will the Senate agree to the amendment?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator KELLEY. Will the gentleman please explain the amendment, Mr. President?

Senator LOEPER. Yes, Mr. President. Essentially, it cuts back the extension period from eighteen months to twelve months.

Senator KELLEY. Mr. President, on the amendment, I would like to commend the gentleman because of the foresight to know that this Session of the General Assembly will expire a year from now, and the bill, presently, before the gentleman's amendment, would take us six months into a new Session which would be under consideration by a makeup of different personalities in both parties. I think it is a very wise amendment, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. House Bill No. 784 will go over, as amended.

#### HB 1289 CALLED UP OUT OF ORDER

**HB 1289 (Pr. No. 2646)** — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 1289 (Pr. No. 2646)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment, implementation and administration of a customized job training program; and imposing additional powers and duties on the Department of Education.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

#### SHAFFER AMENDMENT

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

Amend Sec. 9, page 12, by inserting between lines 9 and 10:

(d) Transition.—Customized Job Training Project applications pending in accordance with the terms and requirements of this act shall not be disqualified from receiving funding solely because a project has been initiated.

On the question,

Will the Senate agree to the amendment?

Senator KELLEY. Mr. President, I desire to interrogate the author of the amendment, the gentleman from Butler, Senator Shaffer.

The PRESIDENT. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator KELLEY. Mr. President, I would ask for an explanation of the amendment.

Senator SHAFFER. Apparently, Mr. President, there are several projects that needed to go forth, and those training programs have already been initiated but not completed. Those projects which have had approval from the Department of Commerce need to be grandfathered in.

Senator KELLEY. Mr. President, would the gentleman elaborate? Does the amendment address itself to, then, particular projects?

Senator SHAFFER. That is my understanding, Mr. President.

Senator KELLEY. Mr. President, would the gentleman list those projects for us?

Senator SHAFFER. I am sorry, Mr. President, I am not aware of them by name.

Senator KELLEY. May we be at ease, Mr. President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

#### JONES AMENDMENT I

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

Amend Sec. 11, page 13, line 26, by inserting after "OF": State funds used to train

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### JONES AMENDMENT II

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

Amend Sec. 2, page 2, line 17, by striking out "SEVERELY"

Amend Sec. 5, page 8, line 12, by striking out all of said line and inserting:

(vii) Demonstrating that for all upgrading training programs, a concurrent capital investment will be made

Amend Sec. 6, page 8, line 24, by inserting after "EMPLOYEES": and the number of net new jobs that will result from the training

Amend Sec. 6, page 9, by inserting between lines 5 and 6:

(8) A statement that both the local educational agency and the private company shall comply with the provisions of section 9.

Amend Sec. 6, page 9, line 19, by striking out "TO" and inserting: which serves

Amend Sec. 9, page 11, line 23, by striking out "AGREEMENT" and inserting: agreements

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. House Bill No. 1289 will go over, as amended.

### HB 1073 CALLED UP OUT OF ORDER

**HB 1073 (Pr. No. 2650)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1073 (Pr. No. 2650)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration of vehicles, for the suspension of registration, for the depositing of waste from vehicles upon highways, property and waters, for the nonexclusion of insurance benefits for insureds who are under the influence at the time of an accident and the disposition of certain fines and bail forfeitures; and further providing for speed timing devices.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

### POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, as a point of information, is it not true that in an ordinary and natural course of events we have reached House Bill No. 1073 on the Calendar?

The PRESIDENT. No, that is not correct, Senator. It is a special order of business.

Senator ZEMPRELLI. Mr. President, my inquiry then is, where are we with respect to the Calendar, absent special orders of business?

The PRESIDENT. For the gentleman's information, we have on page 1 of the Calendar Senate Bill No. 774 that has not been acted upon, on page 2 of the Calendar, none of the bills have been acted upon with the exception of House Bill No. 696 and on page 3 of the Calendar, only the first three bills through House Bill No. 1000 have been acted upon.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

### YEAS—47

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

### NAYS—0

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

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

### SB 1100 CALLED UP OUT OF ORDER

**SB 1100 (Pr. No. 1360)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1100 (Pr. No. 1360)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 20, 1949 (P. L. 1633, No. 493), entitled, as reenacted and amended, "Housing and Redevelopment Assistance Law," further providing for grant authorizations.

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	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Jones	Musto	Shumaker
Bodack	Jubelirer	O'Pake	Singel
Brightbill	Kelley	Pecora	Stapleton
Corman	Kratzer	Peterson	Stout
Early	Lemmond	Reibman	Tilghman
Fisher	Lewis	Rhoades	Wenger

Fumo	Lincoln	Rocks	Williams
Greenleaf	Loeper	Romanelli	Wilt
Hankins	Lynch	Ross	Zemprelli
Helfrick	Madigan	Salvatore	

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.

### CONSIDERATION OF SB 1075

Senator ZEMPRELLI. Mr. President, while we are waiting for the gentleman from Delaware, Senator Loeper, to find other special orders of business, I presume, I would call up as a special order of business and ask for immediate consideration of Senate Bill No. 1075, Printer's No. 1609.

The PRESIDENT. Senator Zemprelli calls up Senate Bill No. 1075 on page 3.

Senator LOEPER. Mr. President, I would object to the calling up at this time of Senate Bill No. 1075. I would remind our Members that this is an item we had discussed in our caucus that we were not ready to deal with today and ask for a negative vote.

#### POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, is it in order to discuss the merits of the bill at this moment?

The PRESIDENT. No, it is not, Senator.

Senator ZEMPRELLI. Mr. President, what is in order by way of discussion?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

#### MOTION TO CALL UP SB 1075 AS A SPECIAL ORDER OF BUSINESS

Senator ZEMPRELLI. Mr. President, I move that Senate Bill No. 1075, Printer's No. 1609, be called as a special order of business and ask for its immediate consideration.

The PRESIDENT. Senator Zemprelli moves that the Senate immediately proceed to the consideration of Senate Bill No. 1075 on page 3 of the Calendar.

The Senate proceeded to consideration of the motion on 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.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, the substance of Senate Bill No. 1075 is no secret to this Chamber. It relates to interstate banking permissions. It involves many of the banks of this Commonwealth, both large and small. I do not think there is any secret either that the banking industry has gone through some very traumatic transformations in the last year. I often have said in private circles that the consideration of banking matters is one that relates—

#### POINT OF ORDER

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

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, it seems we are debating a bill and not whether the bill should go over or not.

The PRESIDENT. The gentleman will confine his remarks to the propriety of the motion at hand and not to the substance of the bill.

Senator ZEMPRELLI. Mr. President, it may satisfy the gentleman to know that even Members of my caucus believe that the verbosity that I indulge in to get to the point by way of preamble, and otherwise, sometimes have been historical. I wish to relate to the gentleman that I will get to the point. It is, however, necessary to establish a preamble of history to understand why it is important to move this bill at this time.

By way of explanation, I would simply suggest, if the gentleman would hear me out for a very short period of time, he will find my remarks are not only germane but they are logical, they are cohesive and they also follow in a pattern to establish why we should be moving on Senate Bill No. 1075, and otherwise. If the gentleman wishes me to express the bottom line first and then back up, I will. However, I think it would be more cogent, more understandable, if I were allowed the liberty of proceeding, at least to explain where I am coming from, with the reason why we should, in fact, consider this bill this evening.

Mr. President, if I may return to my thesis, what I was trying to say is that we in the Commonwealth of Pennsylvania can be regarded somewhat as the French regarded the Maginot line in World War II. It was a system of defenses that had been totally outdated. Senate Bill No. 1075 is a concept in banking whose time is overdue. I can appreciate the resistance of certain small banking institutions in the Commonwealth that were more concerned about the social standing of their officers than they are about their banking industries, but the biggest and bigger objective, Mr. President, is the economy of this Commonwealth. In terms of the meaning of this bill, Pennsylvania would be the benefactor in terms of the inter-relationship of those banking institutions dealing in an interstate fashion. Sounds strange for a Democrat to say that. It seems awfully strange that the resistance to this bill comes from the other side of the aisle. I am even perplexed by that, Mr. President, and some day I may learn why that is, but it is important to articulate that at this time, because really the only motivation that we have on this side of the aisle is what is in the best interest of the economy of this Commonwealth.

The PRESIDENT. Will the gentleman yield? The gentleman may state his point.

Senator LOEPER. I will let the gentleman conclude his remarks.

Senator ZEMPRELLI. The simple fact is, from information that I have and information that I believe, starting back with regional banking, starting back with restricted county banking, this is an internal conflict by certain small banks in the Commonwealth whose day has come. Mr. President, the die is cast. The theme I make tonight is to suggest this: It does not make a hoots damn whether we vote on this issue tonight or we vote on it in January, February or March in terms of the outcome in this Chamber, and that is a commitment, that is not speculation. The cards are in place and, in the vernacular of the street, the ducks are on the pond.

The tragedy of it is, if we do not act tonight, we will have lost precious time in allowing the banking institutions in this Commonwealth to compete, survive and, otherwise do what their advantage is in an interstate relationship. The issue here is whether Pennsylvania banks will succeed in an interstate relationship with banks other than the State of New York. The issue is complex. If we do not do it, the federal government is going to do it.

Mr. President, I suggest to you that it makes no difference when we bank if we pass on this issue tonight or any other night, except to say the result will be the same. Those who are pretending to resist what is inevitable will go down the tubes, except the date will be different. What I am saying is let us get about our business. Let us give the economy of this Commonwealth a shot in the arm as early as we can. Let us quit the charades. Let us put the issue before this house. If it goes up, fine. If it goes down, fine also. I am not here to persuade or ask anybody how to vote on the issue, the simple request is that we vote on the issue. Mr. President, that is the reason for my moving that Senate Bill No. 1075 be considered at this time.

Senator LOEPER. Mr. President, I would just like the record to show in crystal clear fashion that it is not the intent of this side of the aisle to hamper the progress or impede the progress of this bill. There are Members on our side of the aisle who want to take a closer look at this bill. They have amendments to prepare to offer to this bill and they are just not in a position to do that at this particular time. It is certainly the intent that this bill should receive full consideration in a timely manner in the future.

Senator ZEMPRELLI. Mr. President, the gentleman's remarks—and I love him truly—are not only trite, but they lack imagination. They are not creative. This is the language we have heard from time to time as it relates to this bill.

There have been calls on the telephone by various banking institutions as to the same language. I have not heard one substantive suggested amendment that deals with the subject matter, as it could possibly be amended, that would allow for the concept of interstate banking to prevail in the sense that it should in order to ensure the economy of this Commonwealth. Not one person has suggested meaningful, direct,

concise amendments that might want us to recede from the request that we vote on this issue at this time. Now it is not to suggest that this bill came out of committee today, because those who would favor this bill, for whatever reason, have been laboring in the vineyard for months, in droves they have been laboring for this bill, and it is inconceivable that here today, on the eve of a Christmas recess, nobody has come forward with a form of language with the suggested amendment that we may consider. If there is such language, let me have it this moment, and I may retreat from my position until such time as I have had an opportunity to read this language. I have not seen it, and I invite anybody to do so. That is the remark of a very reasonable person who is willing to listen to those who would articulate that position. And those who had called me from banking institutions in my general area were suggesting to me that they need more time to look at it, yet, I could go into that institution and get a million dollar mortgage loan in fifteen minutes. On a different parameter, I am suggesting I think it is a ruse, I think it is nothing more than a sham and I think it is a deliberate method to delay the inevitable.

Mr. President, I return to what I said. With all the sincerity in my heart, understanding how the political ramifications of these things fall out in our various districts and the need to accommodate under certain circumstances, but the issue here is whether we go forward now or whether we go forward, at the earliest, in February of 1986. I suggest that the need is to go forward now because we owe it to our institutions of financial deliberations to give them the break of moving ahead at this particular moment. I sound out of character saying that, however, I do believe it is in the best interest of this Commonwealth.

Senator BELL. Mr. President, you know I am one of these country boys, I cannot walk into a bank and get a million dollar mortgage. In my district we do not have any small banks, they have all been gobbled up by the big banks.

Years ago there was a man named Fred Hare—I believe that was his name—and he was called the songbird of the Senate. He was the finest orator who ever came down from the hills of western Pennsylvania. I think we have a new Fred Hare on board.

I cannot match the eloquence of the gentleman from Allegheny, but, you know, this is turkey season. I wonder for whom this is a Christmas or Chanukah present. I am just wondering. Now I am suspicious, I was not before. I am just wondering if there is a move to gobble up our banks like Standard Oil of California gobbled up Gulf Oil. I believe a lot of the Pittsburgh people are out of work because of that. I wonder if this could cover up a raid by which these great big international banks can come in and gobble up our state banks, and they can come in and drain our state banks and leave us with the shambles as with Gulf Oil in Pittsburgh. I am just wondering. I want more time to wonder. This is why I think, instead of following the lead of the tremendous orator from Pittsburgh, we should be country boys, use common sense, and we do not move to take care of the million dollar

mortgage people on the eve of Christmas and during Chanukah season. Let us not make a big gift to some of these international bankers. I have had my fill of them. I have seen oil refineries being closed, I have seen other places of industry being closed because of the international people. I have seen Baldwin-Lima-Hamilton gobbled up by Greyhound. I am going to tell you, I do not know who these international bankers or national bankers are.

Members of the Senate, if you want to follow what the federal government does, go down and look at Three Mile Island. That is a scourge visited on the state by the federal authorities.

Senator ARMSTRONG. Mr. President, I personally have set up some interviews next week with my area bankers. Perhaps I should have done it this week, but I did not have time this week. Perhaps I should have done it last week, and I did have some appointments set up, but it is hunting season and a lot of the bankers were not there. I personally am asking it to be held over so I can see them, get a few amendments, perhaps, perhaps no amendments.

I am not opposed to this bill, but I think my banks that are medium sized banks should have the opportunity to get their two cents into this, so that we are not just ramming this right down their throat. All I am asking for is next week to talk to them, and then if there are amendments, I will prepare them. One day is not going to make much difference in this. The House is out next week, they are not coming in until January also. What is one day? I do not see how it is going to make any difference, one day or not. I urge we vote against this.

Senator MADIGAN. Mr. President, I also must rise. I would not have spoken on this motion, but the illustrious Minority Leader pointed out that no one had raised any questions as to why this should be held, why it is not the time, and I am one of those who asked that it be held over. It appears that, as he has so aptly pointed out, small banks in north central Pennsylvania should be gobbled up. I believe our feelings are, if we are going to be gobbled up, why should we not build a wall and prevent us from being gobbled up by New York State, and give our banks in Philadelphia and Pittsburgh the opportunity for five years to gobble us up. I believe it makes those banking institutions in my Senatorial district second-class citizens, and, perhaps, by working with some amendments we can support this, but I certainly cannot at this point.

Senator ZEMPRELLI. Mr. President, I think there must be a major misunderstanding as to what this bill does or does not do. There is a long history of which I have some association going back to my membership as a Member of the House in which I was Chairman of the House Banking Committee and then later Chairman of the Senate Committee on Banking and Insurance in which we did such momentous things as codify the banking code and then moved towards contiguous banking and then regional banking.

Mr. President, it is a fact that at one time there were 1,300 odd banks in Pennsylvania, and in the last several years that was reduced to probably 400, and there are probably many

less than that now. But, if you review what has transpired over those years, it has allowed the smaller banks that have any economic value—and they do not all have economic value—to become merged with the larger banks.

With respect to the remarks of the gentleman from Bradford, Senator Madigan, the issue that he would address is beyond us. Four years and six months from this date, regional banking will develop into statewide banking, and that is not—I repeat, is not—the substance of this banking. What we are talking about here is interstate banking, the relationship between banks of various state origins, excluding the State of New York which would be a definite disadvantage to us. But, within the areas of where our banks are, the large banks of this Commonwealth, for purposes perhaps exclusive to them, believe it is in the best interests of banking for Pennsylvania to allow for interstate banking. They, in turn, would have the ability to move out of state on a reciprocal basis, and it is at least perceived and certainly beyond my expertise that it is in the best interests of those banks and, therefore, in the best interests of the economy of Pennsylvania to allow them to do such on a reciprocal basis.

One of the theses that is presented—and I only have this by way of unilateral benefit from those who are vitally concerned—is that Pennsylvania is the largest of the states that would allow for merger, and so forth, whatever the case may be, in interstate banking.

I say to the gentleman from Bradford, Senator Madigan, that the issue he is concerned about is behind us. That is a fait accompli. That was done when we decided on a prospective basis that we would at one time have statewide branch banking in Pennsylvania. To those of you who have small banks in your community, let me suggest to you that if your bank has economic value, there will be others who will be happy to acquire it. But, if your bank does not have economic value, like in any other situation, no large, homogeneous bank wants any part of you, and you can continue your existence within your ability to perform.

Mr. President, the biggest issue here is, are we going to retard those progressive banking institutions in Pennsylvania from going interstate on a reciprocal basis within the next five-year period? That is to suggest we are talking down the road, at best, on a five-year basis. That is what this is all about, Mr. President, and I do not believe anything more or anything less.

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

Senator MADIGAN. Mr. President, I feel I must respond to the distinguished Minority Leader. Number one, apparently he is not familiar with the geographics of the Twenty-third Senatorial District, and I question whether he understands what is in this legislation. I know a number of our banks that deal in New York State have the opportunity to cross those lines and work closely with banking institutions in that state. Within the Twenty-third Senatorial District, there are a number of so-called small banks that have questionable value according to him, but have value to those people and the

services they are providing to the people and the opportunity to expand that, and when you see some of those small banks that are providing services as far as central New York State, I think we are being treated as second-class citizens in not being allowed to participate in interstate banking with New York State.

Senator LEWIS. Mr. President, I have listened very carefully to the comments made by my colleagues. Having done so, I rise with just a bit of hesitation because I have visions of droves laboring in the vineyards, of dies having been cast. Who knows, but in the spirit of the season I may have visions of sugar plums, or I may even be so fortunate as to hear the fat lady sing before this is all over.

It seems to me that what we are all about here this evening is the very simple question of delay. Those of us who have been here for any appreciable length of time have seen on many occasions and have probably personally used delay as the last desperate tactic when it seems as if we have no other weapons in our arsenal. I am concerned and disappointed about that with respect to this proposal because, as a Member of the Committee on Banking and Insurance, I know that the Chairman, the gentleman from Montgomery, Senator Holl, has labored diligently to accommodate all discussion on this proposal to try to work out differences among the competing interests. Senator Holl has held a public hearing to provide an opportunity for anyone with a concern to express that concern. I personally have been visited by many people who have had a divergence of opinions. We have had a full and adequate opportunity in the committee to express our concerns and to offer amendments. I am sure all of you will notice when you look at a copy of your bill that, in fact, it has been amended in committee. There is nothing that I can imagine that can substantively or meaningfully affect this bill which has not already been fully and totally presented by the concerned parties. I say that in further light of the fact that for months and possibly more than a year before this legislation was even introduced it was the subject of intense discussion and negotiation by concerned parties within the banking field. That is not to say that there should not be differences of opinion about this matter among the Members of the Senate, but the proper time and circumstance for airing those differences, for casting votes accordingly comes upon a final discussion and vote upon the bill, and that is what we would like to do tonight, not, rather, to indulge that tactic of desperation which I have identified as being delay and which I fear is what is happening tonight.

I offer that opinion with the further awareness, Mr. President, that a few weeks ago I personally heard lobbyists in the halls of this building bragging that they were going to see that under no circumstances would this bill be voted upon before this Senate adjourned for our Christmas recess, that they had the mechanisms and the ears and the opportunities to continue to delay because they were not successful in achieving substantive concessions which they thought their members would like to see. I become desperately alarmed when there is even the appearance of a situation that an action by this

Senate may, in fact, be in furtherance of the braggadocio of lobbyists which has been heard publicly throughout the halls of this building. If we have a difference in opinion, let us spend as many hours as we need to discuss it. If there is a debate to be had on the subject, let us be on with it. If there are amendments, let us order them and present them and discuss them, but let us not try to conceal the real effect of an attempt to avoid that full airing on this bill this evening. I think it is about time that all of us be done with this issue and move on to the other pressing items. I think we owe it to our constituency. I think we owe it to the institution of the Senate and the process we are supposed to be serving. I would hope we would finally vote this bill this evening, Mr. President.

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

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

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

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

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

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

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

#### YEAS—23

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

#### NAYS—24

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

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

#### SB 774 CALLED UP OUT OF ORDER

**SB 774 (Pr. No. 1683)** — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Bill on Concurrence in House Amendments, by Senator LOEPER, as a Special Order of Business.

#### BILL OVER IN ORDER

**SB 774 (Pr. No. 1683)** — The Senate proceeded to consideration of the bill, entitled:

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

Senator LOEPER. Mr. President, I would request that Senate Bill No. 774 go over in its order.

The PRESIDENT pro tempore. Does Senator Zemprelli wish to be recognized?

Senator ZEMPRELLI. Yes, Mr. President.

The PRESIDENT pro tempore. For what purpose does the gentleman rise?

Senator ZEMPRELLI. Mr. President, I move that House Bill No. 66, Printer's No. 2594—

The PRESIDENT pro tempore. Senator Zemprelli, there is already a motion on the floor. You are out of order.

Senator Loeper has requested that Senate Bill No. 774 go over in its order.

Senator ZEMPRELLI. Mr. President, Mr. President—

The PRESIDENT pro tempore. Senator Zemprelli, I asked for what purpose you rose?

Senator ZEMPRELLI. Mr. President, I am asking to be recognized because, Mr. President—

The PRESIDENT pro tempore. Senator Loeper had already been recognized.

Senator ZEMPRELLI. I understand that, Mr. President.

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, the gentleman from Delaware, Senator Loeper, who is representing the Majority, requested the consideration of a matter. There was no motion before the floor, and my motion was in order as a precedent motion over the request. Mr. President, so that my credibility may not be impeached, and because there are recorders here, if the Chair does not recognize the fact that it was in the form of a request rather than a motion, I would ask that the transcription be recorded and read back.

The PRESIDENT pro tempore. If the gentleman will be attentive, I recognized Senator Loeper. Senator Loeper made a request. Your light was on. I gave you the courtesy, Senator, of recognizing you and asking you for what purpose you rose. It was at that time you chose to jump in with a motion, not responding to the request of the Chair, for what purpose did the gentleman rise. Senator Loeper has the floor.

Senator ZEMPRELLI. Mr. President, may I explain? When the Chair asked me, Mr. President, for what purpose did I wish to be recognized, I moved, which is a response to the Chair's request.

The PRESIDENT pro tempore. Not on the bill that Senator Loeper had called up.

Without objection, Senate Bill No. 774 will go over in its order.

#### HB 66 CALLED UP OUT OF ORDER

**HB 66 (Pr. No. 2594)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AMENDED AND REREFERRED

**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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 22, by removing the period after "Pennsylvania" and inserting: ; and providing emergency grants for flood-stricken counties.

Amend Bill, page 3, by inserting between lines 7 and 8:

Section 2. Article XXV-C of the act is amended by adding a section to read:

Section 2503-C. Power to Administer Emergency Funds to Flood-Stricken Counties.—(a) The General Assembly hereby finds and declares that:

(1) During the fall of 1985, flooding which occurred in the counties of Allegheny, Fayette, Greene, Lackawanna, Luzerne, Somerset, Washington and Westmoreland caused at least fifty million dollars (\$50,000,000) in damages to private homes, in addition to the damage to businesses, industry and public facilities.

(2) State and Federal emergency declarations designated these areas as eligible for emergency relief. Lackawanna and Luzerne Counties were the subject of a Federal declaration dated October 8, 1985. The counties of western Pennsylvania were the subject of a Federal declaration dated November 9, 1985.

(3) The combination of private insurance and Federal grants and loans for private homeowners provides insufficient compensation for their losses.

(4) Because many of the victims of flooding reside in areas which prior to the flood were economically distressed, and because their losses are inadequately covered, it is in the public interest to provide additional aid to private homeowners to supplement the compensation which they receive from private insurance and the Federal Government.

(5) The administration of the program established by the provisions of this act shall be carried out in a manner appropriate to the emergencies which necessitated this act and shall be accomplished on an ad hoc basis until such time as rules and regulations can be promulgated formally.

(b) An applicant's request for funding shall be subject to the following evaluation:

(1) Upon receipt and approval of a sworn application by any person for nonbusiness or nonfarm real or personal property damaged or destroyed by flooding during the fall of 1985 in the counties of Allegheny, Fayette, Greene, Lackawanna, Luzerne, Somerset, Washington and Westmoreland, the Governor's Office may make a grant to cover a portion of the adjusted loss.

(2) Total loss shall be computed in accordance with standards applied by the Federal Government pursuant to the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744) and the Federal act of August 16, 1972 (Public Law 92-385, 86 Stat. 554) for persons whose property was damaged by floods in September 1971, June 1972 and July 1977. The total loss shall not include any pre-flood indebtedness, business or farm losses, or a loss covered by insurance. The adjusted loss of the applicant shall be

the total loss less the amount received by the applicant from the Department of Public Welfare pursuant to the provisions of the Disaster Relief Act of 1974 (Public Law 93-288, 88 Stat. 143).

(3) The amount of the grant shall be determined in accordance with the following schedule:

(i) For the first ten thousand dollars (\$10,000) of the adjusted loss, the grant shall be fifty per centum (50%) of the adjusted loss.

(ii) For the second ten thousand dollars (\$10,000) of the adjusted loss, the grant shall be thirty per centum (30%) of the adjusted loss.

(iii) For the third ten thousand dollars (\$10,000) of the adjusted loss, the grant shall be twenty per centum (20%) of the adjusted loss.

(iv) For the balance of the adjusted loss, the grant shall be ten per centum (10%) of the adjusted loss; however, the total grant shall not exceed twelve thousand five hundred dollars (\$12,500).

(c) If the real property was condemned under eminent domain proceedings and where the measure of damage is calculated under section 602 of the act of June 22, 1964 (P.L.84, No.6), known as the "Eminent Domain Code," the property owner shall not be eligible for a grant under subsection (b) for property for which compensation is granted in the eminent domain proceedings.

(d) The Department of Community Affairs shall administer the program in the following manner:

(1) All grants under this act shall be administered by the Department of Community Affairs and may be administered on an individual basis until rules and regulations are promulgated.

(2) If sufficient funds are not allocated under this act, distribution of grants shall be on a pro rata basis.

(3) The Department of Community Affairs may promulgate rules and regulations necessary to carry out the purposes of this act.

(e) The sum of twenty million dollars (\$20,000,000), or as much thereof as may be necessary, is hereby appropriated to the Department of Community Affairs for the purposes of this act. Notwithstanding the provisions of any other act to the contrary, the funds hereby appropriated shall not lapse until July 1, 1987.

(f) A person making a false claim under the provisions of this act shall be subject to a penalty in the amount of three times the amount of the grant with interest at the rate of nine per centum (9%) from the date of the grant. This penalty may be enforced by the Commonwealth in an assumpsit action and collected in the manner that other debts due and owing the Commonwealth are collected.

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

3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

#### MOTION TO REREFER

Senator LOEPER. Mr. President, I move that House Bill No. 66, as amended, be rereferred to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, the issue of the referral to the Committee on Appropriations was discussed.

I would remind the Members of our caucus that we wish to be in opposition to that motion to rerefer.

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

Senator STOUT. Mr. President, I rise to oppose the motion by the gentleman from Delaware, Senator Loeper, to rerefer House Bill No. 66, as amended, to the Committee on Appropriations. House Bill No. 66, as amended, now contains an appropriation of \$20 million for flood relief in the eight counties of this Commonwealth, six of them in southwestern Pennsylvania, that were damaged in the election day flood and two counties in the northeastern part of the Commonwealth, Lackawanna and Luzerne, that suffered damage in Hurricane Gloria earlier this fall. This appropriation follows the guidelines that have been set in previous flood relief furnished in the floods of 1972 and 1977 in this Commonwealth. The current federal aid, disaster aid, that has been made available as a result of the federal disaster declaration in this Commonwealth is proving to be inadequate to meet the needs of the people in this Commonwealth. These eight counties involved make up nearly 25 percent of the population of this Commonwealth, and it is important we pass this legislation here this evening, through a supplemental Calendar, and move this bill over to the House. Mr. President, I oppose the motion and urge that the Members remember that this side of the aisle has supported other disaster relief in other areas of this Commonwealth as late as this past May, when they suffered hurricane and tornado damage in the northwestern section of this Commonwealth.

And the question recurring,

Will the Senate agree to the motion?

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

#### YEAS—24

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

#### NAYS—23

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

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

The PRESIDENT pro tempore. House Bill No. 66, as amended, will be rereferred to the Committee on Appropriations.

#### RECONSIDERATION OF HB 66

#### BILL REREFERRED, AS AMENDED

**HB 66 (Pr. No. 2594)** — Senator STOUT. Mr. President, I move to reconsider the vote by which House Bill No. 66, as



amended, was rereferred to the Committee on Appropriations.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I would ask your indulgence at a point when the bill is being reconsidered that I be recognized at that point after it has been reconsidered.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

And the question recurring,

Will the Senate agree to the motion to rerefer House Bill No. 66, as amended, to the Committee on Appropriations.

### RECESS

Senator ZEMPRELLI. Mr. President, at this point I have had a request for a short Democratic caucus. I would ask the Members of the Democratic caucus to report to the caucus room for a short Democratic caucus.

The PRESIDENT pro tempore. For the purpose of a Democratic caucus, the Senate will stand in recess.

### AFTER RECESS

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

And the question recurring,

Will the Senate agree to the motion to rerefer House Bill No. 66, as amended, to the Committee on Appropriations?

### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request temporary legislative leaves on behalf of Senator Peterson and Senator Armstrong, as well as a legislative leave for Senator Bell.

The PRESIDENT pro tempore. Senator Loeper has requested temporary Capitol leaves for Senator Peterson and Senator Armstrong and a legislative leave for Senator Bell. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Will the Senate agree to the motion?

Senator SINGEL. Mr. President, earlier when we voted for the motion to rerefer this bill, it was before dinner and it was in the heat of a number of other things. Mr. President, I am hoping against hope that maybe there are some who voted "yes" for the motion who perhaps did not understand the full consequences of that action. I represent the City of Johnstown and environs, and we are a grateful people. We are grateful for the bond issue after the 1977 flood that literally meant the difference between life and death of that community. Because of the speedy efforts of the General Assembly, because of the good legislative work of my predecessor and some of the colleagues who are still with us in the House of

Representatives today, there was delivered to the City of Johnstown a \$50 million bond issue that helped us recover, that helped clothe people, that helped feed people, that helped make sure that people's lives were put back in order, that their houses were repaired. Without that money, there is no way we would be enjoying even a shadow of the recovery that we are enjoying today.

Mr. President, the amendment that was added to this legislation by the gentleman from Washington, Senator Stout, allocated appropriately \$20 million for recovery in various counties that were affected similarly by a disaster. In those counties are the same kinds of suffering, the same kinds of need, the same kinds of devastation that we knew in my area. So, from a very kindred sense and from a spirit of cooperation, as the Senator representing the Johnstown area, I must implore, I must plead with all of the Members of this Body to not let this bill die a painful death in the Committee on Appropriations, to not deny this assistance over the holiday season to people who do not know where their next meal is coming from, do not know whether they are going to have a roof over their heads, do not know whether or not their economic condition is going to improve appreciably.

The state has an obligation first and foremost to people in crisis. If we cannot deliver to the neediest of our population in the time of their dire need, then what are we all about here? If we cannot show some compassion, particularly during this Christmas season, then what good are any of the actions that we take as a Body?

Mr. President, I plead with all of the Members of this Legislature, not just the ones affected directly by the six county declaration, not just the ones which are going to receive direct benefit from the \$20 million, but all of you. I ask you to search your souls, to say to yourself, can it happen to me? Might I be on the requesting end someday? Might we need some assistance from this state of an emergency nature? Am I going to fall in behind the procedural vote on a partisan basis to deny that aid to people who are in dire need? I do not believe we are so political, so heartless, that we are going to let it happen. I trust and I hope and I pray that at least a few on the Republican side join us in opposing the motion to rerefer and to expedite this aid to the people who need it most.

Senator LINCOLN. Mr. President, I rise this evening to oppose the motion to rerefer House Bill No. 66 to the Committee on Appropriations. I do that because I know that kills the bill. That action in itself brings me to the point that I have very few times come to in my thirteen plus years in the Legislature, and that is when I am ashamed of things that we do not do more than things that we do. We have in excess of \$50 million worth of damage in the Mon Valley alone. We were fortunate there was only one death. We have hundreds and hundreds of homes which have been destroyed. Everybody says, well, you do not need more money, you have the federal disaster money. I think if I remember the conversation that the gentleman from Washington, Senator Stout, and I had with some people, it is averaging \$900 a family. We have families whose whole lives have been ruined. Everything they have

treasured, everything they have owned, the very building in which they would exist, their home, is gone. We have a Governor who one month ago flew into our area and played all the headlines along with Senator Heinz and Senator Specter. Lieutenant Governor Scranton was there talking about the great help they were going to give. We wrote the Governor a letter and asked him to take \$20 million out of the Rainy Day Fund, which was the most appropriate area that I have ever heard of for using that type of relief, and we just got the letter this evening when we prepared to vote on the amendment after the House had passed the bill exactly as the amendment to House Bill No. 66, telling us that it was inappropriate to use that money for that purpose. Then we are allowed by a voice vote to put an amendment into House Bill No. 66 which will provide somewhat for the relief of people affected by this. I hear and I see and then I watched the vote, and we have twenty-four Republicans here tonight and we have twenty-three Democrats, and the vote comes out twenty-three Democrats to run the bill and pass it and give that relief and twenty-four Republicans saying no. What is more disturbing about that is we have a Member of this Senate who has not been here one month, and two counties that he represents are directly affected by this legislation, and that is the key vote in keeping that money from going to those counties. This is not funny and this is not partisan. Sure, it affects a lot more Democratic areas, but you have one Member on your side who has not been in office one month and he voted against his district.

#### POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I was just questioning why the gentleman's remarks were on the issue of rereferral, and if maybe there was a little too much latitude in those remarks.

The PRESIDENT pro tempore. The gentleman has completed his debate. I think the remarks are in order. The objection by the Majority Whip is in order, but it is already done.

Senator KELLEY. Mr. President, I was indeed impressed with the sincerity of the remarks of the gentleman from Cambria County. It was very cogent upon him to call upon us and remind us of, rhetorically, what purpose does government serve—not necessarily because it is the Christmas season or anything else—you see, as we maintain order and conduct the services of government. At issue here is whether or not we treat the issues of House Bill No. 66, as amended, immediately, so that we can reprint it and consider it before we adjourn today. The question, therefore, is the imminency of this need. There is no doubt in anyone's mind that the more quickly we respond to the needs of people, the better the recovery. It is like a physical injury. The more quickly we get medical attention, the more chance of immediate and long-range success we have.

I think back at all the others, not just the Johnstown situation in recent years, but what happened in the entire Susquehanna Valley a number of years ago. The news, you

see, was talking about this recent flood situation which was caused coincidentally with the combination of both Mother Nature and the man-made obstacles of retention of the impoundments by the dams. They said, if we did not have those situations, we would have had the worst flood in Pittsburgh in history. I venture to suggest that, you know, we would respond because that is the governmental duty to respond to those kinds of needs, as the gentleman from Cambria said, which this General Assembly and this Chief Executive did do, and we did get Johnstown back on its feet so it can be now at least fighting for a more healthful survival. So, rhetorically, the question is, what function, what responsibility do we have? I suggest we have the responsibility to immediately go in and give whatever aid we can that is ascertainable and reasonable under the proven circumstances. We should not wait, we should not send it back to committee. We know what the fiscal note is, it is in the bill, it is not necessary for that. So I am suggesting, Mr. President, that we do not rerefer, that we treat this bill for the imminency for which it is since it is amended.

Senator ZEMPRELLI. Mr. President, I happen to represent a district that embraces the greater part of the Monongahela River. This past Saturday I attended a parade in the City of Monongahela in Washington County, along with the gentleman from Washington, Senator Stout, and as we progressed along the parade route, one of the town citizens who was standing next to me said, look at the windows in the business establishments along this parade route and you can see the water line. Mr. President, I was astonished because I had a visual demonstrative situation before me that was extremely impressive as to the degree of the devastation. I was more impressed with the fact that there was a comparative line along that parade route designating the height of the 1936 so-called Johnstown flood as it affected that same city. Mr. President, the flood line of the 1936 flood was a good five or six feet below that of the recent tragedy. It is unfortunate and yet fortunate at the same time that these kinds of devastation become extremely parochial. They embrace the area that is without the confines of the rivers and streams and tributaries that are into a concise area at a given period of time. My question from living in that area has always been, if this is something to be concerned about, why do people move into these areas after they have been flooded? There is a simple answer to that. They have no alternative, they have no way of bringing themselves above their situation. They have no economic ability to say, I am not going to move back into that area. They have to make the best of what is available to them.

Mr. President, translating all of that into what we are about here, it is a matter of prioritizing that which we do. We have an absolutely fantastic capacity for wasting money. We spend money by the millions on trivia, on improvements, on leverage items in order to accomplish other purposes, and even as we are here tonight in the machinations of this evening, there have been high level discussions about providing other monies for other major improvements that do not need to be alluded to specifically.

The point is, in all of the deliberations for last year's budget, there was an insistence upon entry into the budget a fund that has been classified as the Rainy Day Fund, that kind of a fund that would give this Administration the latitude to provide monies for situations that may be classified as emergencies, those that could not be contemplated, those that we could not possibly envision being our obligation, our duty, at the time that we passed the budget. If it is true—and I have every reason to believe it is true because it has not been denied—this bill has been referred to the Committee on Appropriation for its demise, I say shame, and at the same time I say shame I offer a broad interrogatory to any Member on the other side of the aisle to suggest to me directly that if the Rainy Day Fund was not passed for this purpose and this situation in western Pennsylvania does not fall within the guidelines of the parameters for which that money has been provided, then I ask what alternate purpose meets the guidelines for the Rainy Day Fund? Then I have one further inquiry, and that is this: What would you expect of those who are suffering from the ravages of an act of God in flooding our districts if the same situation were to occur to you in your districts by virtue of some other circumstance, if it not be a flood? I am going to give you a surprise answer. It will not be an answer of retaliation, it will be an answer of compassion, and it will be to favor the situation just as we did in Agnes, just as we did in providing Johnstown monies recently when Senator Coppersmith was here, \$10 million, and I understand, once provided, it never was spent. That is a tragedy.

Mr. President, the point has been made, and there is a very serious request, and that is that you examine your hearts and souls and consider the people who are involved. Forget the holiday season, but understand that there are people out there who are suffering the ravages of circumstances beyond their control, things they never had any contributing factor to and, most important, situations from which they cannot extract themselves. We ask you to reconsider your determination on this bill.

Senator MELLOW. Mr. President, I rise to seek the liberty of not only speaking on behalf of the amendment and the reconsideration as one of the Members of the General Assembly who represents his constituency here in the state Senate, that had people who suffered great hardship not only in the 1985 hurricane that is now known as Gloria, but also those people who suffered great hardship in the 1972 hurricane that at that time was known as Agnes. I also, Mr. President, have had the distinction of being able to serve the people of my district during both of those tremendous disasters in northeastern Pennsylvania. I rise this evening to support my colleagues from the southwestern part of the state, to join with those of us in the northeastern part of the state, Mr. President, to meet what we consider to be a great tragedy that has taken place because of an act of God during the early fall and late fall of this past year. Mr. President, there is no greater vote that we can make this evening, there is no greater issue on the Senate Calendar that we can debate and that we can discuss this evening that is greater than the amendment that was intro-

duced this evening by the gentleman from Washington, Senator Stout, to House Bill No. 66, to provide \$20 million to the people of these counties in question who have suffered great losses in the past several months, to try to ease their pain during a holiday season. Mr. President, it is important for you to note, and for the other Members of this Body to note, that we approach this amendment this evening with a great degree of reluctance because, first, we asked the Governor, by communication back on November 13th and then followed that up with another letter on December 4th, imploring and asking and actually begging the Administration to come to meet the needs of our people and to rescue the people of southwestern and northeastern Pennsylvania who have tried to get over the hurdle of the great tragedy that took place. Mr. President, the thing that is so disturbing and so hurtful this evening is not only did the Members of the Senate basically vote to kill this proposal, but at that same time the Administration gave us a letter under the signature of the Secretary of the Budget, Mr. Robert Bittenbender. When he responded to our communication—and he responded to the five of us who sent him a letter—in his letter, in the second paragraph, he stated, "The Governor has already used his emergency powers by making \$2 million available in post disaster relief for Hurricane Gloria and \$2.4 million for what has been termed as the November flood." Mr. President, I submit to you that we, as Members of the General Assembly back nine years ago, made that \$5 million available to the people of Pennsylvania who had suffered this particular type of disaster, and the General Assembly has continued every year to go ahead and reappropriate that money. Mr. President, any county or any Member of the Legislature or any group of constituents who have suffered from these two respective floods that viewed with great anticipation the declaration by the federal government of an emergency, and a declaration by the Pennsylvania Emergency Management Agency, a request to the Administration of a declaration of an emergency, our people viewed this with great anticipation, Mr. President, of what, in fact, it may represent. Little did we know, after meeting with the federal people and after meeting with the state people, that we, in fact, were led down the primrose path of disaster, because our people have not, Mr. President, been able to receive what they were told they would receive. I have been in the homes in my district—I cannot speak for anyone else's—and I have seen the suffering of the poor and the indigent because floods, basically, do not affect the affluent. They live on the high ground. The poor and the indigent and the elderly live in the areas that are declared flood areas. These are the people who have suffered, and these are the same people, Mr. President, who we are trying to help this evening with a \$20 million appropriation. And is it not quite unbelievable that within the same week that this Administration, who is turning its back on these people who have suffered by not going along with this request for an appropriation, is the same Administration that has sent back to Washington surplus food that could have helped basically the same type of people in their time of need. Mr. President, in this

time of holiday spirit, how insensitive can we be to the needs of those people who have already suffered enough? Is it not about time that we in this Senate stand as fifty Members, not separated by a political party, not separated by the philosophies of what our political beliefs may be, but unified this evening in the feeling and in the knowledge that we have people out there who are suffering and tonight we are in a position to help these people and to ease their burden? Anything short of passing House Bill No. 66 in this Body this evening, Mr. President, should be viewed by those people who are in need that they have been unjustly treated by some very insensitive individuals.

Senator RHOADES. Mr. President, I have been accused of being many things at many different times, but I do not think the lack of compassion is one—or the fact of being heartless. You know, I look at this and I say I think I would be more heartless, I would be less compassionate if I extended a hand to someone and then took it back. But you say we have not shared the concerns. Just last week we passed a resolution in this Body asking our local governments to rezone to ensure that we put our handicapped, our mentally retarded and our elderly in homes. We all showed compassion on that. Today we have passed legislation for the homeless, which included a \$5.5 million price tag. Where was the \$5.5 million put in within the appropriations? I look at the General Fund budget and I see \$7.8 million, and we are asking to put \$20 million in. There is \$13 million in the difference. I would not want to say do it, and then come out and say to these people I am sorry we cannot because it is not there, because it is not done the way we wanted to do it. So, I would say, follow the procedure we have before, put it in, make sure it is there, and then let us come back and do the right job and do it the way it should be. I ask for common sense, not accusation, not emotion. Let us do it and do it right.

Senator ANDREZESKI. Mr. President, I stand to oppose the rereferral of this bill to the Committee on Appropriations and ask all of my colleagues to vote for this bill and support this bill, as amended, in the same nonpartisan way that Republicans and Democrats in both houses supported the people in Pennsylvania, especially in northwestern Pennsylvania, who on May 31st of this year experienced the worst tornadoes recorded, I think, since 1916 in which sixty-five people were killed. We were quick to respond with an appropriation to help these people. From somebody who was in the disaster area, whose Senatorial district is in the disaster area, I know it was the state help which made the difference. I know it was the state response, the state emergency management teams that came in and the extra state money that is helping those small towns rebuild that made the difference. There was not too much that FEMA did except probably antagonize a lot of people.

I would ask my colleagues here, both Democratic and Republican, to support this issue. It is really important. We have to start responding to these needs, and we cannot say, well, it has already been taken care of or let us start looking or waiting for the money. The money is there. The issue is clear.

Are we going to help people who are really and truly in need like we have in the past in northwestern Pennsylvania when Republicans and Democrats supported these issues, like we have in the past in Johnstown and in other disasters?

Senator LOEPER. Mr. President, before we cast our votes on this matter, I would just like to add that this bill is going back to committee for purposes of consideration as to where this revenue is available. We have listened to many of the previous speakers, and I am certain each and every one of us feels a great deal of compassion for these individuals who have suffered hardships each in their own way. However, you know, in each case we take these issues and find revenue sources for them.

For example, in the Johnstown situation we levied an 18 percent emergency tax on liquor which is still in effect. Maybe that is a possible source of revenue to increase that levy. We have also put out the Lottery Fund for many programs. Maybe we could take some money out of there for these types of programs. We have many funding sources, including the Rainy Day Fund. It would be my suggestion that we take a careful look at where these revenues are coming from, and I think that is the job of our Committee on Appropriations in order to determine that in proper fashion.

It was interesting to note that the request was made on the thirteenth of November and, yet, here we are almost one month later dealing with this issue in the Senate. It seems to me that it would have been in a much more timely fashion if we would have dealt with this issue in the past several weeks. For that reason, I would suggest that we have this bill in the Committee on Appropriations for further consideration.

Senator JONES. Mr. President, I am opposed to the rereferral of this bill. I am from an urban city, Philadelphia, and, thank God, we have not had any terrible incidents as has happened in other counties across the state. I am just shocked, Mr. President, as I sit here as a new Member of this Legislature, to see the lack of concern about these people. In speaking from my heart as I sit here, I just look and I just cannot possibly understand how people who have the power in their hands to correct some situations of families, you who go home tonight in your warm bed—and the heck about Christmas, I do not want to talk about Christmas, just the human thing, the everyday thing—and know that you have the power in your hands and would sit and would not vote on a bill that would help somebody is beyond me. Then I remember early on when the Governor made such a fuss about his Rainy Day Fund. Well, we had a flood, so the very act of a flood suggests to me that is where a Rainy Day Fund should be used, not to mention the \$90 million surplus, not to mention the fact that this government of ours refused to even think about the surplus food going to these people. The fact of Christmas does not move me. I think we should think about Christmas every day when we have the power to do something for the hungry, the starving, the displaced people.

I would urge my fellow Senators here to concentrate on the twenty-sixth chapter of Matthew, because the least you do to one of them, the Lord Jesus Christ says, you have done it

unto me. Please do not go home with this blood on your hands.

Senator LINCOLN. Mr. President, I am appalled at the Majority Whip's question about the timing on this. I have a letter I received from Secretary Bittenbender today that is exactly one month from the date that the question was asked of the Governor to use the Rainy Day Fund for the purpose we are trying to do tonight, one month. It did not take him twenty-four hours to get to the flooded area to sit in front of the TV cameras and answer the newspaper reporters, but one month it took to say it is inappropriate to use that money.

Beyond that, we are talking about \$25 million in a Rainy Day Fund. We also have \$25 million salted away in a Sunny Day Fund. If you remember, that was the only way we could get through a budget. We put \$50 million in reserve for what purpose I do not know if this is not an appropriate use. We are not talking \$25 million, we are talking \$50 million, a Sunny Day Fund and a Rainy Day Fund. I think we could use \$20 million of that Rainy Day Fund to make a sunny day for the people in the Mon Valley and up in the northeastern part of this state who badly need to see the sun shining from Harrisburg.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair is pleased to welcome Senator Fumo and Senator Salvatore back to the floor.

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

Senator FUMO. Mr. President, I have listened to the debate on this amendment, or motion I guess it is, at this point in time, and I was quite impressed with the numbers that were being talked about. As Democratic Chairman of the Committee on Appropriations, I want to enlighten my colleagues who may not want to vote for this because they are fearful there may not be enough money to fund it. If you do not want to vote for this because you do not want to help people, that is fine. If you do not want to vote for this because you say we have already helped people enough, that is okay too, that is on your conscience. But, please, do not be tempted to hide behind the debate or the argument that there is not enough money. Mr. President, at this point in time our office has determined that there is \$24 million in lapsed money that had been previously encumbered from prior fiscal years. For those of you who are not familiar with the budget process, what that means is that during each fiscal year, at the end of the year on July 30th all monies not spent are lapsed, except for the fact that the departments are permitted to encumber certain monies for bills that have yet to come in, have yet to be paid for that fiscal year. Just as of now, we have lapsed \$24 million in prior encumbered monies. That does not have anything to do with what surpluses we will probably have this year, which we are currently estimating are running over \$90 million. We are just talking about monies that are currently available to take care of this program. We are not even going to talk about the pot of gold at the end of the rainbow of this

fiscal year. There are currently twenty-four million of those dollars available. If you do not want to use that money to help people, that is on your conscience. Stand up and vote and say we are not going to help them, or stand up and vote and say we have already done enough or too much for these people. This does not directly affect my district, Mr. President, but it affects fellow Pennsylvanians in other areas in both Democratic and Republican districts. It is very cold and callous of us to say that we are not going to help any person in need in this Commonwealth. I am not impressed that for the first time we just gave \$5.5 million to the homeless. We should have given \$10 million or more. I am not impressed by that kind of tokenism, although I am grateful to see we have at least gotten our foot in the door for those people, but these people too are hurting. We have the money to spend, let us spend it. It is not wasteful spending, it is not frivolous spending, it is necessary spending of money that we have. If you do not want to do that, that is okay, but do not hide behind some fallacious argument that there is not enough money, because there are monies available, and there are monies available from many, many years past and they are sitting currently in the General Fund.

Senator STOUT. Mr. President, I hope maybe I will be the last speaker on this in opposition to the motion to rerefer House Bill No. 66, as amended. You know, we talked here all evening as to the reasons why it is needed. I would like you to come into the Mon Valley area of Washington, Greene and Fayette, Allegheny and Westmoreland Counties. There are literally thousands of people still out of their homes waiting and hoping that something will be done by the great and benevolent federal government, FEMA. I have talked to my colleagues here who went through the FEMA tornado experience up in the northwest and how disappointed their constituents and their people were in what happened on the federal level. The same thing has happened in the Mon Valley and also in Lackawanna and Luzerne Counties, which were affected by Hurricane Gloria earlier this fall. These people are trying to get their lives back together again, and they just need a little helping hand from their state government. We send out to, in the federal government, FEMA. FEMA sends in people from all over the fifty states. Now who do we have in the Mon Valley area of southwestern Pennsylvania? We have people from the States of California, Oregon and Washington that they have flown in, at great expense, clear across this country. They put them in rented cars, they put them in motels with expense accounts to come in and take the applications at the disaster centers and deny the people. As the gentleman from Fayette, Senator Lincoln, said, they are only getting about \$900 per household for people who have lost their homes, had their furnaces destroyed, their hot water tanks, their basements, with all kinds of silly rules and regulations to put people down and to hold people down. Yet, they are going up to the Uniontown Holiday Inn at night. They are staying there probably for \$80 or \$90 a night. The federal government has money for that. The thousands of dollars that they have spent to bring people in from the west coast to take care of the flood

problem in southwestern Pennsylvania, all those thousands and thousands of dollars are being spent, but there is no money for the little people, for the senior citizens who may have a little savings, a little bank account. Oh no, you cannot get any money. You have too much. You have to get a loan. So some lady, seventy-five years of age, is going to go out and make a loan. She has a little bit of money in the bank. She is not getting any help whatsoever, unless we in state government provide these funds tonight. We can solve this problem.

On the other side of the aisle you are protecting the Governor because he is against providing this aid to these people. He was out there in the helicopter when the television cameras were running; yes, we are going to come and help you. But it has been five weeks, six weeks. Christmas season is upon us and there is no help being provided for these people.

I have helped other Members on this aisle as the gentleman I am looking at right now on the Highway Commission when he had a serious road problem in his district, and I was moved by that and I provided that aid and it is in the program and the road is going to be built. I know because I saw those people come in and testify at a hearing how dangerous it was. I could bring thousands of people in from the Mon Valley area to plead with you for some help and assistance. We can solve this problem tonight. The House is still in Session. I spoke with the Majority Leader. If we can defeat this motion to rerefer it to the Committee on Appropriations, pass this bill on a supplemental Calendar, the House is in Session, they will pass it. It will go to the Governor and this aid will be made available to the people. If the Governor wants to veto it, that is up to him, and that is a decision he has to make. In about two and one-half hours it will be tomorrow and he is going to make a big announcement. I am sure he does not want this hot potato in his office.

I urge the Members on the other side of the aisle that you know the money is available. The Committee on Appropriations has identified over \$24 million of lapses from prior fiscal years. The money is available. Let us do what is right, in the spirit of the holiday season, defeat this motion to rerefer and pass House Bill No. 66, so that it can go to the House and on to the Governor, so these people can get some type of relief that we know they deserve from our state government.

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

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

**YEAS—24**

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

**NAYS—23**

Andrezski	Kelley	O'Pake	Singel
Bodack	Lewis	Reibman	Stapleton
Early	Lincoln	Rocks	Stout
Fumo	Lynch	Romanelli	Williams
Hankins	Mellow	Ross	Zemprelli

Jones                      Musto                      Scanlon

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

The PRESIDENT pro tempore. House Bill No. 66, as amended, will be rereferred to the Committee on Appropriations.

**RESOLUTIONS REPORTED FROM COMMITTEES**

Senator LOEPER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following resolution:

**SR 114 (Pr. No. 1690)**

A Resolution amending Senate Financial Operating Rule II 4 a(1), (2) and (3) and 5 b.

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

**HR 198 (Pr. No. 2512)**

Expressing the intent of the General Assembly relating to certain restrictive language in the appropriation for senior judges in the courts of common pleas.

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

**REPORT OF COMMITTEE OF CONFERENCE SUBMITTED**

Senator FISHER, by unanimous consent, submitted the Report of Committee of Conference on **SB 417**, which was placed on the Calendar.

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

Senator BELL, by unanimous consent, submitted the Report of Committee of Conference on **HB 1363**, which was laid on the table.

**SUPPLEMENTAL CALENDAR NO. 1  
SPECIAL ORDER OF BUSINESS**

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 927 (Pr. No. 1692)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," increasing the amounts of Class III loans; and providing for apparel industry loans and for the establishment and operation of an apparel industry loan board.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 927.

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

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

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

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Schuylkill, Senator Rhoades.

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

Senator RHOADES. I will, Mr. President.

Senator KELLEY. Mr. President, if I understand Senate Bill No. 927, Printer's No. 1692, it is providing for some capital monies to the apparel industry, and I notice the gentleman is a primary sponsor. Would the gentleman share with me the reasons and the need for this industry to receive this aid?

Senator RHOADES. Mr. President, I think I can basically say that across the Commonwealth, within all the Senatorial districts and counties, the apparel industry has been in competition not only amongst themselves but also with other states and throughout the world. The effort here is being made to facilitate the apparel industry in turning to more productive and faster operating materials to ensure that our products will be as competitive with foreign imports as with any other particular item, therefore, retaining jobs and ensuring the apparel industry remain a very valuable force within the Commonwealth.

Senator KELLEY. Mr. President, it seems to me the explanation the gentleman has given for the need is one that has been a gradually developing need in the sense that the injury from foreign competition has been something that has been intensifying over a period of time. Is that accurate, Mr. President?

Senator RHOADES. Mr. President, I guess we can basically say that. I know I have participated and many of the other Senators in this Chamber have, in rallies that were held out here with 5,000 members of the ILGW being in attendance. I think it has hit a head in terms of the severity, but if I go back maybe twenty or thirty years, I think it has been an issue that, in my particular area, had to be addressed. This, at one time, in my hometown was one of the major industries. We fight to survive right now. I had hoped that this would have been done, maybe ten or twenty years ago, but I will take what we can get now.

Senator KELLEY. Mr. President, it seems to me I recall the gentleman being very, very relevant in a term in a need bill last week when he said and reminded us, whatever we do to the least of our brothers, we do to ourselves, or something along those lines, and I wonder if the gentleman can put forth the need for this bill in a priority as a priority treatment by this General Assembly, the Senate, particularly as opposed to House Bill No. 66, which was just recommitted?

Senator RHOADES. Mr. President, I think that is an issue that has to be developed and decided by each particular Senator as to the priority they look at. This has gone through the process, this has gone through the respective committees in review. It has been hammered out both by Democrats and Republicans and has that support.

Senator KELLEY. Mr. President, as the priority of our attention is the thrust of my question, Mr. President, it seems to me that we recognize industries, businesses, people in need in this Commonwealth, and we attempt to give legislative remedy to it. I am looking for a direction from the primary sponsor of this bill as to how I, as a voter in this Body, can justify giving the priority to this bill at the expense of not giving the immediate attention to House Bill No. 66, as amended?

Senator RHOADES. Mr. President, I think my best answer—and I will repeat myself—it is a decision which you must make in terms of a priority; if you think this is worthwhile and that the apparel industry is in need of this, then I would ask you to support it. If not, then you would make up your own mind and your own decision.

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

Mr. President, I thank the gentleman because I do support Senate Bill No. 927 in concurrence with the House amendments. My problem is, however, whether or not I can in good faith support that today before I can see that aid is given to those who are more immediate in that need. I, therefore, tend to be reluctantly against the bill today until we can take care of the priorities of our citizens.

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

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

#### YEAS—47

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

#### NAYS—0

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

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

#### HB 1678 CALLED UP OUT OF ORDER

**HB 1678 (Pr. No. 2672)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1678 (Pr. No. 2672)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), known as "The Dental Law," reestablishing the State Dental Council and Examining Board; providing for its composition, powers and duties; and making repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

**HOUSE CONCURRENT RESOLUTION  
NO. 198, CALLED UP OUT OF ORDER**

Senator LOEPER, without objection, called up out of order, from page 2 of Supplemental Calendar No. 1, **House Concurrent Resolution No. 198**, entitled:

Expressing the intent of the General Assembly relating to certain restrictive language in the appropriation for senior judges in the courts of common pleas.

On the question,

Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT  
RESOLUTION NO. 198**

Senator LOEPER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 198.

On the question,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, I think there is a necessity to make clear our intent on this resolution and put that in the

record. To explain to the Members what has occurred, in the last budget for fiscal 1985-86, inadvertently somewhere through the budget process, a mistake was made, and 14 percent of the money which should have been appropriated for senior judges was left out. That meant they were only funded at a level of 86 percent. Mr. President, we need senior judges desperately in the Commonwealth. They do an extremely commendable job of helping carry the load in an overburdened court system throughout this Commonwealth. In particular, in our more urban areas such as Philadelphia, Allegheny County and some of the suburban counties. For example, in the Philadelphia Family Court division they make up probably almost the majority of judges. What has occurred, however, Mr. President, is that the Chief Justice has said that because there is not enough money to fund all of these judges at the full amount, he has now restricted their activities. We have disagreed with that. We have asked that they be allowed to sit on a contingent basis. That has, so far, been refused. We have been asked that they be allowed to sit at 86 percent of pay in waiting for a supplemental budget. That has been refused. Mr. President, the latest event that has caused this resolution to first be passed in the House—it is a concurrent resolution that passed there, I believe, overwhelmingly—is that the Chief Justice is refusing to allow judges to sit pro bono or for free. What is occurring now in some instances is that senior judges who are assigned to cases have been pulled off those cases in the middle of the case. The justice system is rapidly grinding to a halt, especially in the area of family court which is so important to us, and especially in Philadelphia and that area. This would straighten out the intent of the General Assembly that we never meant to preclude a judge from volunteering his services. In fact, Mr. President, the law is clear. The law currently provides that they can do that. The Chief Justice, however, has said that because we passed the budget that way, it was our intent that no one could sit for free. This resolution, hopefully, will send a clear message to the Supreme Court to allow those judges who have magnanimously agreed to sit for free to volunteer to help our state with its criminal justice system and with the justice system in general.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was concurred in.

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

**SUPPLEMENTAL CALENDAR NO. 2  
SPECIAL ORDER OF BUSINESS**

**SENATE RESOLUTION NO. 114, CALLED UP**

Senator LOEPER, without objection, called up from page 1 of Supplemental Calendar No. 2, **Senate Resolution No. 114**, entitled:



A Resolution amending Senate Financial Operating Rule II 4 a(1), (2) and (3) and 5 b.

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 114, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 114.

On the question,

Will the Senate agree to the motion?

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

**YEAS—47**

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

**NAYS—0**

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

**LEGISLATIVE LEAVES**

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Rocks and Senator Fumo who have been called to their offices for meetings.

The PRESIDENT pro tempore. Senator Lincoln has requested temporary Capitol leaves for Senator Rocks and Senator Fumo. The Chair hears no objection. The leaves will be granted.

**COMMUNICATIONS FROM THE GOVERNOR**

**RECALL COMMUNICATION  
LAID ON THE TABLE**

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

**MEMBER OF THE ENVIRONMENTAL  
HEARING BOARD**

December 11, 1985.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 23, 1985 for the reappointment of Anthony

J. Mazullo, Jr., 334 East Ashland Street, Doylestown 18901, Bucks County, Tenth Senatorial District, as a member of the Environmental Hearing Board, to serve until June 20, 1991, or until his successor shall have been appointed and qualified.

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

DICK THORNBURGH.

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

**DISTRICT JUSTICE**

December 11, 1985.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 29, 1985 for the appointment of K. Tucker Landon, Esquire, 35 Race Street, Jim Thorpe 18229, Carbon County, Twenty-ninth Senatorial District, as District Justice in and for the County of Carbon, Magisterial District 56-3-01, to serve until the first Monday of January, 1988, vice Harry E. Heydt, resigned.

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

DICK THORNBURGH.

**COMMUNICATION FROM GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

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

**DISTRICT JUSTICE**

December 11, 1985.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 29, 1985 for the appointment of K. Tucker Landon, Esquire, 35 Race Street, Jim Thorpe 18229, Carbon County, Twenty-ninth Senatorial District, as District Justice in and for the County of Carbon, Magisterial District 56-3-01, to serve until the first Monday of January, 1988, vice Harry E. Heydt, resigned.

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

DICK THORNBURGH.

**NOMINATION RETURNED TO THE GOVERNOR**

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

The motion was agreed to.

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

### COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

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

#### MEMBER OF THE ENVIRONMENTAL HEARING BOARD

December 11, 1985.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 23, 1985 for the reappointment of Anthony J. Mazullo, Jr., 334 East Ashland Street, Doylestown 18901, Bucks County, Tenth Senatorial District, as a member of the Environmental Hearing Board, to serve until June 20, 1991, or until his successor shall have been appointed and qualified.

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

DICK THORNBURGH.

#### MEMBER OF THE LANCASTER COUNTY BOARD OF ASSISTANCE

December 10, 1985.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, for the appointment of Altha R. Landis (Republican), 2022 Main Street, Rothsville 17573, Lancaster County, Thirteenth Senatorial District, as a member of the Lancaster County Board of Assistance, to serve until December 31, 1987, and until his successor is duly appointed and qualified, vice Elizabeth Tredway, Lancaster, resigned.

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

DICK THORNBURGH.

### NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

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

Which was agreed to.

### NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

#### 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.

On the question,

Will the Senate advise and consent to the nomination?

### LEGISLATIVE LEAVES CANCELLED

Senator LOEPER. Mr. President, before we take a roll call vote on that nomination, I would note the return to the floor of Senator Peterson and Senator Armstrong and ask that their temporary legislative leaves be cancelled.

The PRESIDENT pro tempore. The Chair welcomes the return to the floor of Senator Peterson and Senator Armstrong and their temporary Capitol leaves will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator SINGEL. Mr. President, it is a unique opportunity and a pleasure for me to ask for an "aye" vote on this confirmation. As I said before the Committee on State Government, Mr. Gleason and I live, literally, within a stone's throw of each other, and we have both been accused of throwing some stones over the years. The fact of the matter is that in politics there is a healing process that occurs. I suppose there is a degree of maturation that occurs. I have come to regard Mr. Gleason in a high fashion. He is very active in the local community. He has a wide variety of interests, and has always demonstrated that he is willing to put aside the differences when it comes to working on behalf of either our local area or the state.

Mr. President, though at one time we may have been adversaries, politically, when it comes to performing for the people of this state, I am sure we will be able to do that in a mutually beneficial way, and I am sure that he will be able to do an outstanding job as the Secretary. I ask for a positive vote.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—47

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD OF COSMETOLOGY

September 3, 1985.

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

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

DICK THORNBURGH.

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

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

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

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

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

YEAS—9

Andrezeski	Kelley	Scanlon	Stout
Brightbill	Ross	Singel	Zemprelli
Early			

NAYS—38

Armstrong	Hopper	Mellow	Romanelli
Bell	Jones	Moore	Salvatore
Bodack	Jubelirer	Musto	Shaffer
Corman	Kratzer	O'Pake	Shumaker
Fisher	Lemmond	Pecora	Stapleton
Fumo	Lewis	Peterson	Tilghman
Greenleaf	Lincoln	Reibman	Wenger
Hankins	Loeper	Rhoades	Williams

Helfrick	Lynch	Rocks	Wilt
Holl	Madigan		

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD OF COSMETOLOGY

July 16, 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 Henry A. Hillegass, 219 West Pitt Street, Bedford 15522, Bedford County, Thirtieth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of two years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Florence J. Benner, Philadelphia, whose term expired.

DICK THORNBURGH.

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

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

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

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

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

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

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

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

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

YEAS—19

Andrezeski	Helfrick	Moore	Stout
Armstrong	Hopper	O'Pake	Wenger
Brightbill	Jubelirer	Scanlon	Wilt
Corman	Kelley	Shumaker	Zemprelli
Early	Lemmond	Singel	

NAYS—28

Bell	Jones	Mellow	Romanelli
Bodack	Kratzer	Musto	Ross
Fisher	Lewis	Pecora	Salvatore
Fumo	Lincoln	Peterson	Shaffer
Greenleaf	Loeper	Reibman	Stapleton
Hankins	Lynch	Rhoades	Tilghman
Holl	Madigan	Rocks	Williams

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

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

#### MEMBER OF THE BOARD OF DIRECTORS OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

July 29, 1985.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. F. Corson, 212 Stenton Avenue, Blue Bell 19422, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve until June 26, 1986, and until his successor is appointed and qualified, vice Malcolm B. Petrikin, Esquire, Media, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator RHOADES. Mr. President, just one point on this. I think this is a very important appointment to this authority. I have no personal animosity or anything to say against Mr. Corson. I assume he is a very, very fine individual. However, I am concerned that this very important authority, which deals with our energy sources and particularly anthracite and bituminous coal, that someone from the coal industry should be represented on the board. Based on that, I will be voting "no."

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

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

Senator ZEMPRELLI. Mr. President, we of the Democratic caucus, by consensus, have been extremely upset by the fact that on this very important board we have had absolutely no input. The reason I am making these remarks is so the record may be very clear that some of the judgments that will be made in opposition to this nominee are not based upon the individual himself, but, rather, the circumstance. Therefore, some of us will be voting in the negative to demonstrate the fact that we feel very strongly, in consensus as a caucus, that there should be representation on this very important board of the coal industry which is not represented on this board and other facets of the energy industry which are not represented on this board. We will be, by demonstrating our opposition, sending a message to those who have the power to appoint for consideration in areas that we are concerned about and, certainly, by those who have been eliminated from consideration by boards that ultimately would have power to determine what those industries are all about in the future. I want it

clearly understood that this individual is not being rejected, at least for any other purpose that I know of, other than that which I have now articulated. I am asking for a "no" vote.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

#### YEAS—14

Bell	Holl	Moore	Tilghman
Brightbill	Jubelirer	Pecora	Wenger
Fisher	Kelley	Rocks	Williams
Greenleaf	Loeper		

#### NAYS—33

Andrezeski	Jones	Musto	Scanlon
Armstrong	Kratzer	O'Pake	Shaffer
Bodack	Lemmond	Peterson	Shumaker
Corman	Lewis	Reibman	Singel
Early	Lincoln	Rhoades	Stapleton
Fumo	Lynch	Romanelli	Stout
Hankins	Madigan	Ross	Wilt
Helfrick	Mellow	Salvatore	Zemprelli
Hopper			

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

Ordered, That the Governor be informed accordingly.

#### NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

#### INSURANCE COMMISSIONER

July 23, 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 George F. Grode, 109 Allendale Way, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Insurance Commissioner, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Michael L. Browne, Esquire, Philadelphia, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator ZEMPRELLI. Mr. President, my only purpose in rising is to remind the caucus of our discussion in caucus about this nomination, at which time it was decided, again by a large consensus of the caucus, that it would not support this nomination for reasons that need not be stated at this time.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

## YEAS—23

Armstrong	Hopper	Mellow	Salvatore
Brightbill	Jubelirer	Moore	Shaffer
Fisher	Kelley	Pecora	Shumaker
Greenleaf	Lemmond	Peterson	Wenger
Hankins	Loeper	Reibman	Williams
Helfrick	Madigan	Rhoades	

## NAYS—23

Andrezeski	Holl	Musto	Singel
Bell	Jones	O'Pake	Stapleton
Bodack	Kratzer	Rocks	Tilghman
Corman	Lewis	Romanelli	Wilt
Early	Lincaln	Ross	Zemprelli
Fumo	Lynch	Scanlon	

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

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

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

The motion was agreed to.

### SUPPLEMENTAL CALENDAR NO. 4 SPECIAL ORDER OF BUSINESS

#### REPORT OF COMMITTEE OF CONFERENCE

##### REPORT ADOPTED

**SB 417 (Pr. No. 1703)** — The Senate proceeded to consideration of the bill, entitled:

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

Senator LOEPER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 417.

On the question,

Will the Senate agree to the motion?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fisher.

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

Senator FISHER. I will, Mr. President.

Senator KELLEY. Mr. President, I am concerned about not having had an opportunity to read the Committee of Conference report since we have been considering legislation and confirmations, since it was placed on our desks. I wonder if the gentleman could inform the Body what differences there are in the Committee of Conference report of any substance in relationship between the original Senate and House versions?

Senator FISHER. Mr. President, I will be glad to respond to the gentleman's inquiry. First of all, let me say that the House made numerous changes in the bill. Many of them were technical changes, some of them were substantive changes and, in the process of the Committee of Conference, we did modify some of the substantive changes that the House made.

I would be here all night probably discussing all of the changes between the original Senate version and where we are right now. Let me explain to the gentleman and the Members of the Senate what I perceive to be the most important changes, all of which, in my opinion, strengthen the compact which is before the Senate.

In the compact as it left the Senate originally, there was no prohibition on shallow land burial. In the report of the Committee of Conference on Senate Bill No. 417, shallow land burial, as we traditionally know it, as it exists at Farnwell, South Carolina, would be prohibited. Basically, what we are saying is we are looking for a disposal, a concept that is either in an engineered structure, whether it be below or above the ground, or in a container that is much more secure than what is presently being used in South Carolina. That has been strengthened. I think it is something the Administration and myself and others have always said we were going to do. It was not in the compact, it is there.

Another major change is that the Appalachian States Commission that will have a certain degree of power in determining what happens with the disposal of waste has been strengthened by the addition of a fifth member. That fifth member will be a representative of the host community, so whatever community would eventually be selected for a site or sites—if there were more than one site, there would be another additional member—that host community would have a representative named to the commission, so there is one more member and that member, obviously, would have substantial say, and we think that is an important change.

In addition to that, the House inserted some language which would have required the commission to establish a fund to provide for potential liability or for a cleanup fund. We did not feel the commission should have that authority, but, rather, that the host state—in this case, Pennsylvania—should have the authority to determine what costs, what insurance would be needed to cover potential liability and, also, what money would need to be produced from the generators to cover any cleanup. When we say cleanup, we are really talking about a long-term care fund.

In addition to that, there is another change in the bill that defines the hazardous life of the radioactive material. That was not in the bill when it left the House. That definition is one which will require the Commonwealth as the host state to adopt standards for disposal and for cleanup based on the hazardous life of the material that is disposed in the site.

I would say that those are the major changes. There are some other changes such as the composition of the commission. There is a prohibition on the commission members, or at least half of the commission members, that they cannot be either employed or have been employed in the previous five years with a low level radioactive waste generator or a related industry, and those are all things which all the conferees have agreed to and we believe strengthens the make-up of the commission itself.

Senator KELLEY. Mr. President, did not the Congress of the United States extend the deadline, as I believe the House

of Representatives already did, and then today I believe the Senate was extending the deadline for six months from the end of December 1985 until the end of June 1986?

Senator FISHER. Mr. President, that is partially incorrect. There is a bill that passed the House and, as I understand it, that version is substantially different than the version that is pending in the Senate. As everybody is well aware, there are many issues pending in Washington just as there are many issues pending here. There has been no final action taken on that extension, nor can anybody give us a good prognostication that that, in fact, will occur by the end of December.

Senator KELLEY. Mr. President, when this bill left the Senate, as I recall, several months ago, there were involved at that time the States of Delaware, Maryland and West Virginia with us. Is that correct, Mr. President?

Senator FISHER. That is correct, Mr. President.

Senator KELLEY. Mr. President, this bill just provides with West Virginia, is that correct?

Senator FISHER. No, that is not correct, Mr. President. Since the time the bill was passed in the Senate, Delaware and Maryland, two of the initial states, have continued to negotiate with the northeastern compact which now only includes a couple of the original states, and they have also continued to express interest in becoming part of this compact. However, the only one that has continued to provide a firm commitment that they will participate is the State of West Virginia. The only thing we did in the bill was, in the preamble, we took out reference in the preamble of the compact to the States of Delaware and Maryland, but they still are listed in Article V as being the only four eligible states, so Article V in the compact says the eligible states are West Virginia, Maryland, Delaware and Pennsylvania.

Senator KELLEY. Mr. President, so, ultimately, if the States of Maryland and Delaware opt to not participate with us, then the only two states that would be involved would be West Virginia and the Commonwealth of Pennsylvania?

Senator FISHER. That is correct, Mr. President.

Senator KELLEY. Mr. President, we would then be the receptacle state for West Virginia's generation, is that correct?

Senator FISHER. That is correct, Mr. President.

Senator KELLEY. Mr. President, the amount of low level radioactive wastes generated in the State of West Virginia is quite small in comparison with Pennsylvania, is that correct?

Senator FISHER. Mr. President, it is very small in comparison to Pennsylvania's wastes, and it is a very minute amount in the scheme of things.

Senator KELLEY. Passage of this act in compliance with the Federal Compact Act on low level waste distribution would not in any way prevent the federal government from coming in and using the Commonwealth of Pennsylvania as a high level disposal site, would it, Mr. President?

Senator FISHER. Mr. President, technically, this has nothing to do with the disposal of high level waste, but there is every indication at the present time that Pennsylvania is not

being considered as a site for the disposal of any high level waste.

Senator KELLEY. The answer to the question, Mr. President, is that there is nothing in this bill or federal law that would prevent the federal government from, at any time in the future, citing Pennsylvania as a site state for disposition of high level radioactive waste, is that correct?

Senator FISHER. Mr. President, there is nothing. This bill does not cover high level radioactive waste.

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

I only want to say I am going to vote in the negative pretty much for the same reasons I gave in past times when it was considered. The argument against the saying that we had to do this because Congress said so is under the fear of the compact, but there are enough cases out of the United States Supreme Court to indicate whenever the sovereign itself is the generator of the substance, then it has that protection to prevent others from coming in. I believe we would be much better off in the Commonwealth of Pennsylvania if we went it alone by the state created authority under the state to be the one solely responsible, and we could have total control of our own waste. I think it would be to the benefit economically of the future for the Commonwealth of Pennsylvania.

LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, I would like to ask for temporary Capitol leaves for several Senators: Senator Hankins, Senator Fumo, Senator Rocks and Senator Williams.

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

Senator STAPLETON. Mr. President, I would like to withdraw the temporary Capitol leaves for the names I just mentioned. However, I am asking for a temporary Capitol leave for Senator Williams.

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

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

Senator FISHER. Mr. President, very briefly, I wanted to thank the gentleman from Luzerne, Senator Musto, for all of his help in developing the compact which is before us. I would just like to urge an affirmative vote on Senate Bill No. 417.

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

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

YEAS—45

Andrezeski	Holl	Mellow	Salvatore
Armstrong	Hopper	Moore	Scanlon
Bell	Jones	Musto	Shaffer
Bodack	Jubelirer	O'Pake	Shumaker
Brightbill	Kratzer	Pecora	Singel
Corman	Lemmond	Peterson	Stapleton
Early	Lewis	Reibman	Tilghman
Fisher	Lincoln	Rhoades	Wenger
Fumo	Loeper	Rocks	Williams

Greenleaf	Lynch	Romanelli	Wilt
Hankins	Madigan	Ross	Zemprelli
Helfrick			

NAYS—1

Kelley

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

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

**SUPPLEMENTAL CALENDAR NO. 3  
SPECIAL ORDER OF BUSINESS**

**THIRD CONSIDERATION CALENDAR  
BILL ON THIRD CONSIDERATION,  
DEFEATED ON FINAL PASSAGE**

**HB 1000 (Pr. No. 2676)** — 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; eliminating cross-filing for Statewide judicial candidates; and permitting cross-filing for certain members of the minor judiciary.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I would remind the Members of the Democratic caucus of our position in caucus in opposition to this matter.

And the question recurring,  
Shall the bill pass finally?

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

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

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

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

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

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

YEAS—24

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

NAYS—23

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

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1289 (Pr. No. 2677)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment, implementation and administration of a customized job training program; and imposing additional powers and duties on the Department of Education.

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 following prepared statement was made a part of the record at the request of the lady from Philadelphia, Senator JONES:)

I am happy to be able to rise in support of House Bill No. 1289. This bill establishes legislative authority for the Customized Job Training Program. As you recall, last spring, I raised serious complaints about the way this program was being operated. One criticism was that too much of the training funds were being used to upgrade the skills of individuals who were already employed by the company. Another criticism was that no efforts were being made to make training available to those in the community who most need job training. In fact, less than 2 percent of the training slots were filled by persons formerly receiving welfare.

This bill as amended makes some major improvements in the CJT program. First of all, use of funds for upgrading existing employees is somewhat limited. First of all, a company would be eligible for only 70 percent of such training costs. In addition, the bill would require firms to either show that they are making a concurrent and significant capital investment at least equal to the amount of the training grant and related to the need for training or to show that the upgrading will result in creation of an equal number of entry-level job positions.

Secondly, the bill would permit funding only 80 percent of entry-level training costs unless the company meets one of three conditions. The first condition is that the company be locating in the Commonwealth, or the company must be in a start-up phase and expect to create a substantial number of new jobs. Or, the company must be expanding and show that 20 percent of the employees trained are unemployed, public assistance recipients, dislocated workers or displaced home-makers.

Although I am disappointed that the companies qualifying for funds under the last provision do not have to make a greater commitment to train disadvantaged workers, particularly welfare recipients, I believe this bill establishes a minimal commitment to see that some training will be made available to those who most need the training.

And, finally, Mr. President, I would like to thank the Members of both the House and the Senate, both parties, for recognizing the importance of the concerns I raise.

Happy holidays.

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—47

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

#### NAYS—0

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

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

#### RECESS

Senator LOEPER. Mr. President, at this time I would ask for a brief recess of the Senate for the purpose of coordinating some activities with the House, as well as calling for a short Republican caucus to begin in approximately twenty-five minutes in the downstairs caucus room to discuss two or three issues of importance that the Members must understand.

The PRESIDENT pro tempore. Is it my understanding, Senator Loeper, that you wish a recess of the Senate and that Republican Members of the Senate report to the first floor caucus room promptly at 11:30 p.m.? Can you advise at what time you might return to the floor?

Senator LOEPER. Mr. President, we would hope that it should not take longer than fifteen or twenty minutes.

Senator ZEMPRELLI. May we be at ease for just a moment?

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

Senator ZEMPRELLI. If I may have the liberty of asking the Members of my caucus to join me around the podium here for a moment.

The PRESIDENT pro tempore. Is this a Christmas carol sing, Senator?

Senator ZEMPRELLI. It may develop into that, Mr. President. It may also be Auld Lang Syne as far as I am concerned.

Senator KELLEY. Mr. President, in all due fairness to everybody, I was going to make a motion to adjourn, but I think it would be imprudent since everybody has gotten their heads together at this time. Please be careful about recognizing me in the future, I just might come up with it later on.

The PRESIDENT pro tempore. Senator, you are very recognizable.

For the purposes heretofore stated, the Senate will stand in recess.

#### AFTER RECESS

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

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, before we begin dealing with bills, I would request a temporary legislative leave on behalf of Senator Hopper.

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

Senator ZEMPRELLI. Mr. President, I would request temporary Capitol leaves on behalf of Senator Ross and Senator Hankins who are both meeting with constituents in their offices.

The PRESIDENT pro tempore. It would appear that Senator Hopper is back on the floor, and the Chair will withdraw its request for a temporary Capitol leave.

Senator Zemprelli has requested temporary Capitol leaves for Senator Hankins and Senator Ross. The Chair hears no objection and the leaves will be granted.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. Senator Rocks is back and his leave will be cancelled. The Chair notes the presence on the floor of Senator Fumo and his leave will be cancelled.

#### CONSIDERATION OF SUPPLEMENTAL CALENDAR NO. 1 RESUMED

#### SPECIAL ORDER OF BUSINESS

#### HB 784 CALLED UP OUT OF ORDER

**HB 784 (Pr. No. 2670)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.



**BILL ON THIRD CONSIDERATION,  
DEFEATED ON FINAL PASSAGE**

**HB 784 (Pr. No. 2670)** — 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,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I would just remind the caucus of its position in opposition to House Bill No. 784, Printer's No. 2670, the bill which we are considering at this moment.

And the question recurring,  
Shall the bill pass finally?

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

**YEAS—24**

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

**NAYS—23**

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

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Williams, back on the floor and his leave will be cancelled.

**CONSIDERATION OF SUPPLEMENTAL  
CALENDAR NO. 1 RESUMED**

**SPECIAL ORDER OF BUSINESS**

**THIRD CONSIDERATION CALENDAR**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 971 (Pr. No. 2671)** — The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

Senator KELLEY. Mr. President, I only want to make note that I have some misgivings. I do not know that they are significant or sufficient enough to vote in the negative, but what concerns me on House Bill No. 971 is that it implies we have lost confidence in our free institutions of higher learning. In this country, this Commonwealth, particularly, has always been very, very strong in its commitment to the institutions of higher learning. We talk in terms, historically, that it is the institutions of higher learning that have always given us the seeds of perpetuating righteousness and virtue, new ideas, adjustments, and so all of a sudden now we want to say we distrust the trustees of all these institutions to the fact they might accept gifts from some unworthy source. That causes me concern, because in this country the one thing that has been prevalent in its existence is the fact we have had these very broad freedoms like the freedom of speech and the freedom of the press. We have always had this very reserved feeling of a similar freedom in our institutions of higher learning, and so it concerns me a great deal that we may be implying in this bill that we do not have confidence in those institutions. As I said, however, Mr. President, I do not know that is enough reservation for me to vote against the bill, but it is something I want to call to the attention of my colleagues on the bill.

And the question recurring,  
Shall the bill pass finally?

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

**YEAS—47**

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

**NAYS—0**

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

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

**HOUSE MESSAGE**

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 1158**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**SUPPLEMENTAL CALENDAR NO. 5  
SPECIAL ORDER OF BUSINESS**

**BILLS ON CONCURRENCE IN  
HOUSE AMENDMENTS**

**SENATE NONCONCURS IN HOUSE AMENDMENTS**

**SB 1134 (Pr. No. 1693)** — The Senate proceeded to consideration of the bill, entitled:

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

Senator **LOEPER**. Mr. President, I move the Senate do not concur in the amendments made by the House to Senate Bill No. 1134, 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.

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 1135 (Pr. No. 1694)** — The Senate proceeded to consideration of the bill, entitled:

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

Senator **LOEPER**. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1135.

On the question,

Will the Senate agree to the motion?

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

**YEAS—47**

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

Fisher	Lewis	Rhoades	Wenger
Fumo	Lincoln	Rocks	Williams
Greenleaf	Loeper	Romanelli	Wilt
Hankins	Lynch	Ross	Zemprelli
Helfrick	Madigan	Salvatore	

**NAYS—0**

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

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

**SB 1158 (Pr. No. 1698)** — The Senate proceeded to consideration of the bill, entitled:

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

Senator **LOEPER**. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1158.

On the question,

Will the Senate agree to the motion?

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

**YEAS—47**

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

**NAYS—0**

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

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

**CONSIDERATION OF CALENDAR RESUMED**

**HB 568 CALLED UP OUT OF ORDER**

**HB 568 (Pr. No. 2644)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator **LOEPER**, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 568 (Pr. No. 2644)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1980 (P. L. 1203, No. 222), known as the "Building Energy Conservation Act," changing and adding certain definitions; providing for notice to public utilities and utility providers; creating a restricted account; and further providing for application of energy standards, for certification, for notice to the department, for penalties and for variances.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

HB 307 CALLED UP OUT OF ORDER

HB 307 (Pr. No. 2460) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL OVER IN ORDER

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 677 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 690 (Pr. No. 788) — 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 county commissioners to make contracts.

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

NAYS—0

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

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

SB 735 (Pr. No. 843) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3, page 2, by inserting between lines 20 and 21:

(b) Identification.—All stores or places of business which use a point-of-sale terminal scanning system utilizing the uniform product code symbol shall clearly identify the product, size by weight or volume, and the price of the product on the counter or shelf where the item or product is displayed for sale if the item or product is not individually priced.

Amend Sec. 3, page 2, line 21, by striking out "(b)" and inserting: (c)

On the question,

Will the Senate agree to the amendment?

Senator PETERSON. Mr. President, my amendment says that all supermarkets that have scanning equipment shall clearly identify the products size by weight or volume and the price of the product on the counter or shelf where the item or product is displayed for sale if the product is not individually priced.

The reason for my amendment, I believe, is that in recent years 3,000 supermarkets in the Commonwealth have purchased scanning equipment, which is the latest technology. The major reasons for purchasing this equipment—it is

expensive—is for improving inventory control, for improving service to customers, because it saves time for giving the customers much better receipts that are itemized like they never had before and, most of all, for saving cost in labor. One of the major problems with the legislation we have before us, without my amendment, is that a large percentage of the items sold in supermarkets across the Commonwealth are features. They are on display, they will have signs on the displays on the shelf and oftentimes even on the windows with the prices. They would be forced to still mark all of these items, and then at the end of each sale week, change those items back.

One of the major things in scanning is that it does save labor, and labor saves costs to the consumer. I checked with the Consumer Protection Bureaus across the Commonwealth, they seldom get complaints on scanners in stores that have them. In fact, it is not even a statistic at all in our consumer complaint offices. I am always a believer of if something is not broken, do not fix it.

Senate Bill No. 735 will cost consumers in Pennsylvania because it will prevent the high-tech equipment that we now have in our supermarkets from being utilized in a way that will save labor and money, which eventually will have to be paid by the customer. I urge the adoption of the amendment.

Senator LYNCH. Mr. President, I rise to oppose the amendment to Senate Bill No. 735. The shelf pricing is there now. The only way anybody can compare prices when they are shopping is with the label on the item. You do not know what you pay for an item until you get to the cash register. It is the same way when you check out. When you go home, if the labeling is not on the item and you check it against the tape from the register, there is no way you can tell. As far as the pricing on the shelf, that is there now and it has always been there.

Mr. President, I rise to oppose this amendment and I would like for all my colleagues to vote in the negative. I would like a roll call vote.

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

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

#### YEAS—20

Armstrong	Holl	Loeper	Rhoades
Brightbill	Hopper	Madigan	Shaffer
Corman	Jubelirer	Moore	Shumaker
Fisher	Kelley	Pecora	Tilghman
Helfrick	Lemmond	Peterson	Wenger

#### NAYS—27

Andrezeski	Jones	O'Pake	Singel
Bell	Kratzer	Reibman	Stapleton
Bodack	Lewis	Rocks	Stout
Early	Lincoln	Romanelli	Williams
Fumo	Lynch	Ross	Wilt
Greenleaf	Mellow	Salvatore	Zemprelli
Hankins	Musto	Scanlon	

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

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

On the question,  
Shall the bill pass finally?

#### MOTION TO REREFER

Senator CORMAN. Mr. President, a check with the Attorney General's Office reveals that if Senate Bill No. 735 were, in fact, enacted into law, it would require three to four people per consumer protection office to supervise the law that this would put into place. With about six offices that is at least, at a minimum, eighteen people, half of whom would have to be attorneys, plus traveling expenses and other expenses, there is obviously expense involved in this. Therefore, the bill is going to have to go to the Committee on Appropriations. Mr. President, I move that Senate Bill No. 735 be rereferred to the Committee on Appropriations.

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

Senator ZEMPRELLI. Mr. President, I would ask that there be a negative vote with respect to rereferral. I am sorry I cannot agree with the judgment of the gentleman from Centre County and other counties. If there was a fiscal note here, it would be no more than any other bill. It would suggest that degree for which a fiscal note would be required here would be the same degree that a fiscal note would be required on any and every bill that ever came through the General Assembly. I appreciate the fact that this is, at most, a judgment call. I would suggest that, perhaps, the gentleman has a motive other than getting a fiscal note. I would ask that we vote against this measure to refer to the Committee on Appropriations.

Senator FUMO. Mr. President, right now there is a motion to rerefer Senate Bill No. 735 to the Committee on Appropriations. I have to strongly oppose the motion because if this were the case, every time we passed a criminal statute we would have to refer it to the Committee on Appropriations for a fiscal note to find out how many policemen we are going to need to enforce it and everything else. Mr. President, this bill is no different in concept. In fact, it talks about a civil penalty and it can be enforced by the Attorney General or any district attorney upon petition for recovery of the civil penalty. If we are going to start requiring fiscal notes for every time we pass a bill that requires a civil penalty or a criminal penalty, even though I am the Minority Chairman of that committee, we will be bogged down with work ad infinitum for no reason.

The issue is clear, Mr. President. This is, in fact, a consumer-oriented bill. I did not address the last speaker who opposed the previous amendment, but this bill would allow consumers, when they go home with that new receipt, to compare what the scanner has said the price is to, in fact, what they thought the price was. This legislation is necessary. It is something that, especially, our older senior citizens need and want. It is one thing to go into a store if you buy one or

two items to remember what the tag was on the shelf and then compare it, but if you are a person who is doing a lot of shopping, as many people do in supermarkets that have the scanners in the first place, at the end of the night when you get home you are going to have a very long receipt with all these wonderful prices and have no idea whether you have really been ripped off or not. I am not really impressed by the fact that there are not many consumer complaints about this, because a consumer would have to be a genius and walk around the supermarket with his pen or pencil and write everything down in order to compare the prices when he got home. Obviously there are not many consumer complaints, I am amazed there are any.

Mr. President, this is a necessary piece of legislation. There is no need for a fiscal note. If we do this, we are setting a precedent for every criminal statute, every statute that opposes any kind of civil liability, to go to the Committee on Appropriations for a fiscal note, and I know that is not the intention of this Senate. I would hope the intention of the Senate is not to kill this bill by procedural shenanigans. I, therefore, ask that we not rerefer the bill to the committee but, rather, vote on it tonight.

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

(During the calling of the roll, the following occurred:)  
Senator PETERSON. Mr. President, I would like to change my vote from "no" to "aye."

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

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

#### YEAS—19

Armstrong	Hopper	Moore	Shumaker
Brightbill	Jubelirer	Pecora	Tilghman
Corman	Lemmond	Peterson	Wenger
Fisher	Loeper	Rhoades	Wilt
Holl	Madigan	Shaffer	

#### NAYS—27

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

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

And the question recurring,  
Shall the bill pass finally?

(During the calling of the roll, the following occurred:)  
Senator WILT. Mr. President, I would like to change my vote from "no" to "aye."

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

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

#### YEAS—31

Andrezeski	Jones	Moore	Salvatore
Bell	Kratzer	Musto	Scanlon
Bodack	Lemmond	O'Pake	Singel
Early	Lewis	Pecora	Stapleton
Fumo	Lincoln	Reibman	Williams
Greenleaf	Lynch	Rocks	Wilt
Hankins	Madigan	Romanelli	Zemprelli
Holl	Mellow	Ross	

#### NAYS—15

Armstrong	Hopper	Peterson	Stout
Brightbill	Jubelirer	Rhoades	Tilghman
Corman	Kelley	Shaffer	Wenger
Fisher	Loeper	Shumaker	

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.

## HOUSE MESSAGE

### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **HB 1363**.

## SUPPLEMENTAL CALENDAR NO. 6

### SPECIAL ORDER OF BUSINESS

### REPORT OF COMMITTEE OF CONFERENCE

#### REPORT ADOPTED

**HB 1363 (Pr. No. 2675)** — The Senate proceeded to consideration of the bill, entitled:

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

Senator LOEPER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1363.

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

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

#### YEAS—46

Andrezeski	Hopper	Moore	Scanlon
Armstrong	Jones	Musto	Shaffer
Bell	Jubelirer	O'Pake	Shumaker
Bodack	Kelley	Pecora	Singel
Brightbill	Kratzer	Peterson	Stapleton
Corman	Lemmond	Reibman	Stout
Early	Lewis	Rhoades	Tilghman
Fisher	Lincoln	Rocks	Wenger

Fumo	Loeper	Romanelli	Williams
Greenleaf	Lynch	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
HoH	Mellow		

NAYS—0

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

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

## CONSIDERATION OF CALENDAR RESUMED

### SB 1178 CALLED UP OUT OF ORDER

**SB 1178 (Pr. No. 1685)** — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

### BILL OVER IN ORDER

**SB 1178 (Pr. No. 1685)** — 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?

Senator LOEPER. Mr. President, I request that Senate Bill No. 1178 go over in its order.

### POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, I note with some chagrin that in following the Calendar Senate Bill No. 1075 was before us in the regular order of business, and we now skipped to Senate Bill No. 1178 without having disposed of Senate Bill No. 1075. It was not special ordered.

The PRESIDENT pro tempore. The bill that Senator Loeper has called up is Senate Bill No. 1178, and he has not been following the regular order of business. He has been jumping all over the Calendar, so I do not think that is a fair characterization. We are on Senate Bill No. 1178. Previous in the agenda, you had moved to make Senate Bill No. 1075 a special order of business. That had been defeated.

Senator ZEMPRELLI. That is correct, Mr. President.

The PRESIDENT pro tempore. We are now on Senate Bill No. 1178.

### POINT OF ORDER

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

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

Senator KELLEY. My point of order is, Mr. President, that the gentleman acting as the Majority Leader did not ask for this bill to be called up as a special order, and, under the Rules of Order, he, therefore, should have proceeded to the next bill which would be the bill to which the Minority Leader, the gentleman from Allegheny, Senator Zemprelli, refers. Not having called up as a special order, the point made by the gentleman from Allegheny, Senator Zemprelli, is correct. I make a point of order, therefore, that Senate Bill No. 1178 is out of order, not having been called up as a special order and, therefore, the regular order of the day is the bill referred to by the gentleman from Allegheny, Senator Zemprelli.

The PRESIDENT pro tempore. I think the gentleman is technically correct in what he says. However, under the way the Senate has been operating, it is a matter of a term of art. He called up as his next order of business—whatever, I do not know what the term was he used, he did not use the term "special order of business," that we have been jumping around—and he called up Senate Bill No. 1178.

Senator KELLEY. Mr. President, on that basis, I exercise my right of privilege as a Member of the Body to proceed according to the Rules of parliamentary procedure to which we have subscribed, plus the fact that I have spoken with the Parliamentarian earlier today as well, as I believe the Chair knows, speaking about the fact that the gentleman goes back to whenever we went into, out of order, the executive nominations, and I made a point of fact that that was called up without going out of order.

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

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, I have no objection to the gentleman calling for consideration of Senate Bill No. 1178 with the understanding that we will revert to next consider Senate Bill No. 1075, as it is my understanding.

The PRESIDENT pro tempore. Without objection, Senate Bill No. 1178 will go over in its order.

### SB 1075 CALLED UP OUT OF ORDER

**SB 1075 (Pr. No. 1609)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL OVER IN ORDER

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I request that Senate Bill No. 1075 go over in its order.

Senator ZEMPRELLI. Mr. President, I object to Senate Bill No. 1075 going over in its order.

Senator LOEPER. Mr. President, I move that Senate Bill No. 1075 go over in its order.

The PRESIDENT pro tempore. Senator Loeper moves that Senate Bill No. 1075 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I do not think there is much more that I need to say with respect to—

The PRESIDENT pro tempore. There is somebody different in the chair for this debate, too, Senator.

Senator ZEMPRELLI. Does the Chair suggest he would want me to repeat my argument in verbatim, Mr. President?

The PRESIDENT pro tempore. I would suggest that you limit the debate to your reason for not wanting it to go over, and limit it to that only.

Senator ZEMPRELLI. Mr. President, I have nothing further to say with respect to its going over. I am requesting a negative vote with respect to the motion to go over.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—24

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

NAYS—23

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

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

The PRESIDENT pro tempore. Senate Bill No. 1075 will go over in its order.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1182 (Pr. No. 1525) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing standards and qualifications by which local tax authorities in counties of the first class may make special real property tax relief provisions.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator SALVATORE. Mr. President, I would urge a "yes" vote on Senate Bill No. 1182.

And the question recurring,

Shall the bill pass finally?

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

YEAS—47

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

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, DEFEATED ON FINAL PASSAGE

SB 1192 (Pr. No. 1691) — 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 and State forest land.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

And the question recurring,  
Shall the bill pass finally?

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

YEAS—24

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

NAYS—23

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

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

**RECONSIDERATION OF SB 1192**

**BILL OVER IN ORDER ON FINAL PASSAGE**

**SB 1192 (Pr. No. 1691)** — Senator RHOADES. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1192, Printer's No. 1691, just failed of final passage, and the bill go over in its order.

The PRESIDENT pro tempore. Senator Rhoades moves that the vote by which Senate Bill No. 1192 failed to gain a constitutional majority be reconsidered and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 1192 will be reconsidered and go over in its order on final passage.

**RECONSIDERATION OF SB 1182**

**BILL OVER IN ORDER ON FINAL PASSAGE**

**SB 1182 (Pr. No. 1525)** — Senator LOEPER. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1182, Printer's No. 1525, just passed finally, and the bill go over in its order.

The PRESIDENT pro tempore. It has been moved by Senator Loeper that the vote by which Senate Bill No. 1182 was passed be reconsidered and that the bill go over in its order.

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

Senator FUMO. Mr. President, on the motion, I recognize this is retribution for me and, maybe, some of my colleagues. It is regrettable that my illustrious colleagues on the other side of the aisle would take this action against senior citizens and blue-collar workers in the City of Philadelphia after having passed this overwhelmingly not less than three minutes ago. I am basically making this statement for the media so that the people who are doing this get tagged appropriately, but I am not going to be threatened or bend in any way, shape or form.

I think it is absolutely absurd to play these kinds of games with the lives of these people. This bill is the result of seven years of work. The Constitution was changed twice, the voters of the Commonwealth spoke overwhelmingly, and now we have this nonsense.

**POINT OF ORDER**

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

The PRESIDENT pro tempore. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, all I asked for was a reconsideration of the vote and not a debate on the merits of the bill.

The PRESIDENT pro tempore. The reconsideration does open up the merits of the debate, Senator, but I would ask that the gentleman confine himself to the merits of the bill.

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

Senator FUMO. I am, Mr. President. I am confining myself not only to the merits of the bill but also the bill itself, and it has just been passed. Obviously, it was not passed in error; obviously, the Majority supported the bill, and now because this side of the aisle refuses to support a bill that one of their Members has, retribution is going to be taken out on senior citizens, working-class people, poor people in the City of Philadelphia.

I just want to remind the Majority that this concept started in 1978 when a bill, which was sponsored by almost every Member of the Senate, went through and was passed by the House to change the Constitution. It was repeated again in the second Session, again with almost unanimous sponsorship, it went through the House again. It was placed on the ballot, was approved overwhelmingly by the voters of this Commonwealth, and I know often we talk about referenda and the will of the people of Pennsylvania. That has been spoken very clearly throughout every Senatorial district in this Commonwealth. Tonight we passed the bill unanimously, and now retribution is—at least the other side of the aisle thinks they are going to take it out on me, but they are not. They are taking it out on themselves, they are taking it out on all the citizens of Philadelphia, and even those citizens in Philadelphia who are represented by my colleague, the gentleman from Philadelphia, Senator Salvatore, in the northeast who is a cosponsor of this bill. Mr. President, this is games playing, and I am not going to be blackmailed or hoodwinked or extorted, or anything else. Do what you will. I am opposed to the motion to reconsider because we all know what it is about. It has nothing to do with the merits. I would like to have a roll call.

Mr. President, I desire to interrogate the Majority Whip, the gentleman from Delaware, Senator Loeper.

The PRESIDENT pro tempore. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?  
Senator LOEPER. I will, Mr. President.

Senator FUMO. Mr. President, will the Majority Whip give me his excuse for asking for this, not his reason, but his excuse?



Senator LOEPER. Mr. President, I do not think that is necessary. However, I think any Member of this Senate has the prerogative to request the reconsideration of a vote on any bill that appears on the Calendar.

Senator FUMO. Mr. President, the Majority Whip made the motion. I just wanted to know why he made the motion. Does he have a reason or is it just capricious on his part?

Senator LOEPER. Mr. President, simply, as we did on the following bill, we wanted to take another look at some of the provisions of that and thought that a reconsideration may be in order.

Senator FUMO. Mr. President, can the Majority Whip tell me what particular provisions give him cause for concern, if any?

Senator LOEPER. Mr. President, basically, I guess the tax relief provisions in the cities of the first class.

Senator FUMO. Mr. President, the Majority Whip is being unresponsive. He told me he had problems with the provisions of the bill. That is the entire concept of the bill. I would like to know what particular provisions of the bill he had problems with because he has voted for this concept in this Senate on at least three occasions, counting tonight. Can he tell me what particular portion of this bill gives him cause for concern, or is my suspicion correct that this is just arbitrary, capricious retribution?

Senator LOEPER. Mr. President, I would be concerned at this point about what fiscal impact this may have upon the cities of the first class.

Senator FUMO. Mr. President, may I ask the Majority Whip why he did not have the same concerns previous to this?

Senator LOEPER. Mr. President, because my Members had assured me previous to that that it was probably in the best interests of the city to pass this legislation. However, some concerns have been raised since that vote, and that is why we asked for a reconsideration.

Senator FUMO. Mr. President, can the Majority Whip tell me which particular Member told him all of a sudden that there is some concern in the City of Philadelphia for this legislation, because he is the one that said some Members had assured him before? What Member has now changed his mind?

Senator LOEPER. I do not think that is necessary, Mr. President.

Senator FUMO. Mr. President, is he refusing to answer my question?

The PRESIDENT pro tempore. He has that right, Senator.

Senator FUMO. I know he has that right, Mr. President. I am not questioning that.

The PRESIDENT pro tempore. His response was, "I do not think that is necessary." That was his response.

Senator FUMO. May I interpret that response as a refusal to answer my question?

Senator LOEPER. Mr. President, he may interpret that however he wishes.

Senator FUMO. Mr. President, I accept the arrogance of the Majority Whip, and I reiterate my position.

The PRESIDENT pro tempore. Senator Fumo, I would caution you that he has a right to make an answer without you characterizing it as any name, so please confine your debate or your interrogation to the issue at hand.

Senator FUMO. Mr. President, he has a right to answer and I have a right to characterize what his answer is. That is my belief. It may not be true. Maybe other people disagree with me, but I interpret it as arbitrary, I interpret this as extortion and blackmail. If he challenges that, we will get into a further debate. Mr. President, he knows it is, and he is willing to stand there and do it. I just want the public to know what is happening here tonight—politics as usual, in fact, Republican politics as usual, in fact, Republican suburban politics as usual.

And the question recurring,

Will the Senate agree to the motion?

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

#### YEAS—24

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

#### NAYS—23

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

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

The PRESIDENT pro tempore. Senate Bill No 1182 has been reconsidered and will go over in its order on final passage.

#### POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, the motion was to reconsider, not to reconsider and go over.

The PRESIDENT pro tempore. No, the motion was to reconsider it and move it over. Nobody divided the motion.

Senator FUMO. Mr. President, I question the Chair. I would like the record read back to me, and I would like to hear the tape. I believe the motion was clearly just to reconsider.

The PRESIDENT pro tempore. The gentleman is out of order in his request. I repeated the motion, Senator. That was the motion for Senate Bill No. 1182 and Senate Bill No. 1192.

Senator FUMO. Mr. President, the motion clearly was a motion to reconsider, not a motion to reconsider and go over.

The PRESIDENT pro tempore. No, Senator, the Chair disagrees with you, and if you would like to challenge the ruling

of the Chair, you have a right to do that. The motion was for the bill to be reconsidered and go over in its order.

Senator FUMO. Mr. President, I would like the Journal read back. I apologize if I am wrong. I would like the Journal read back. That is what they are here for, Mr. President.

The PRESIDENT pro tempore. Senator, your request is denied. If you wish to challenge the ruling of the Chair, you may do so.

Senator FUMO. Mr. President, I do not wish to be conned. I just want the record read back to me. The motion was to reconsider. We have a tape recording of it, we have the Journal here. What the heck.

The PRESIDENT pro tempore. I am advised that you are out of order, Senator, and I would have to rule in that way. That is the way we have done things in the past. It is the way we will continue to do things. Please feel free to avail yourself of—

Senator FUMO. Mr. President, that is the way we have done things in the past? I would be ashamed to say that on this issue if I were you.

The PRESIDENT pro tempore. Senator, you are out of order, and you may challenge the ruling I have made.

#### RULING OF THE CHAIR APPEALED

Senator FUMO. Mr. President, I challenge the ruling of the Chair because I believe you are in error. I am being kind by saying it that way, Mr. President.

The PRESIDENT pro tempore. Senator Fumo has challenged the ruling of the Chair. An "aye" vote is to sustain the Chair, a "no" vote is to overrule the Chair.

On the question,  
Shall the decision of the Chair be sustained?

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

#### POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, I noted that the Chair voted on the issue to question the action of the Chair. My question and my point of order, Mr. President, is the propriety of consideration of the Chair's vote.

The PRESIDENT pro tempore. So that I might appropriately answer the gentleman's inquiry, which certainly we were not even sure of, on the Rules of Order I will read, "When the presiding officer is a member of the house, he may vote to sustain his own decision on appeal." The Chair will vote "aye."

Senator ZEMPRELLI. Mr. President, not to question the accuracy of the Chair, but, rather, as a reference for the future, would the gentleman tell me the source of that determination.

The PRESIDENT pro tempore. This is Mason's Manual, Section 234, subsection 2, on page 195.

Senator ZEMPRELLI. Mr. President, I thank the Chair.

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

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

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

#### YEAS—24

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

#### NAYS—23

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

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

The PRESIDENT pro tempore. The decision of the Chair is sustained.

#### BILL REREFERRED

**SB 1215 (Pr. No. 1570)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a customized job training program; imposing powers and duties on the Department of Education; and authorizing expenditures from an appropriation.

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

#### BILL OVER IN ORDER

**SB 1228** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**HB 249 and 250** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 350 (Pr. No. 2609)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, authorizing probable cause arrests in certain cases of domestic violence.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**HB 502, 503, SB 535, 611 and HB 717** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION AMENDED

**HB 801 (Pr. No. 2595)** — 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 hydroelectric generating facilities.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER offered the following amendment:

Amend Title, page 1, line 5, by removing the period after "facilities" and inserting: ; and clarifying the authority of counties of the second class A to continue to enact the hotel room tax.

Amend Bill, page 1, by inserting between lines 7 and 8:

Section 1. Section 1970.2 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, amended December 7, 1982 (P.L.778, No.224) and December 10, 1982 (P.L.1079, No.252), is reenacted and amended to read:

Section 1970.2. Hotel Room Rental.—(a) The following words and phrases when used in this section shall have, unless the context clearly indicates otherwise, the meanings ascribed to them in this section:

"Consideration," receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"Convention center or exhibition hall," a building or series of buildings not used for the retail sale of merchandise or part of any shopping center, mall or other retail center together with any land appurtenant thereto, a major function of which is to house meetings, exhibitions, shows, conventions, assemblies, convocations, and similar gatherings: Provided, That one of the aforesaid buildings shall contain a minimum of seventy-five thousand (75,000) gross square feet of exhibition space for shows and conventions.

"Cooperating political subdivision or agency of government," any city or public authority located in such county within whose boundaries a convention center or exhibition hall is planned or constructed which shares with the county any duties, obligations or privileges with respect to the convention center situated therein.

"Hotel," a hotel, motel, inn, guest house, or other building located within the taxing jurisdiction which holds itself out by any means including advertising, license, registration with any innkeeper's group, convention listing association, travel publication or similar association or with any government agency as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; any place recognized as a hostelry: Provided, That portions of such facility which are devoted to persons who have established permanent residence shall not be included in this definition.

"Municipality," a township, borough or a home rule municipality which was formerly a township or borough.

"Occupancy," the use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator," any individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of, or otherwise possess the right to rent or lease overnight accommodations in any hotel to the public for consideration.

"Operating deficit," the excess of expenses over receipts from the operation and management of a convention center or exhibition hall.

"Patron," any person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident," any person who has occupied or has the right to occupancy of any room or rooms in a hotel as a patron or otherwise for a period exceeding thirty (30) consecutive days.

"Recognized tourist promotion agency," the nonprofit corporation, organization, association or agency which is and has been engaged in planning and promoting programs designed to stimulate and increase the volume of tourist, visitor and vacation business within counties served by such agencies as that term is defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," and which particular nonprofit corporation, organization, association or agency heretofore has been recognized by the Department of Commerce all in accordance with the terms of said "Tourist Promotion Law."

"Room," a space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation provided therein.

"Temporary," a period of time not exceeding thirty (30) consecutive days.

"Transaction," the activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consideration emanates to the operator under an express or an implied contract.

"Transient," any individual who obtains accommodation in any hotel for himself by means of registering at the facility for the temporary occupancy of any room for the personal use of that individual by paying to the operator of the facility a fee in consideration therefor.

(b) The county commissioners in each county of the second class are hereby authorized to impose an excise tax at three per centum (3%) on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate transients. The county commissioners in each county of the second class A are hereby authorized to impose an excise tax not to exceed three per centum (3%) on the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to accommodate transients. The tax shall be collected by the operator from the patron of the room and paid over to the county as herein provided.

(c) The treasurer of each county electing to impose the tax authorized under this section is hereby directed to collect the tax and in counties of the second class to deposit the revenues received from the tax in a special fund established solely for purposes of a convention center or exhibition hall. The revenues shall be distributed as follows:

(1) One-third (1/3) of all revenues received by the county from the excise tax shall be distributed to a tourist promotion agency pursuant to section 2199.14.

(2) One-third (1/3) of the three per centum (3%) excise tax collected by hotels within a municipality wherein a convention center or exhibition hall is located (less the cost of collecting the tax) shall, at the request of such municipality, be returned to that municipality wherein such convention center or exhibition hall is located, for deposit in that municipality's special fund established solely for purposes of paying for promotional programs implemented by a nonprofit organization which are designed to stimulate and increase the volume of

conventions and visitors within the municipality: Provided, however, That an audited report on the income and expenditures incurred by the municipality receiving funds from the excise tax on hotel room rentals shall be made annually to the board of county commissioners.

(3) All remaining revenues from the three per centum (3%) excise tax received by the county shall be used exclusively for operational and maintenance expenditures of the convention center or exhibition hall as provided in subsection (d).

In counties of the second class A the revenues shall be deposited in a special fund established solely for purposes of travel and tourism promotion and advertising related to such promotion. The treasurer is hereby authorized to establish rules and regulations concerning the collection of the tax.

(d) In counties of the second class, expenditures from the fund established pursuant to subsection (c) shall be used for all purposes which a public authority may determine to be reasonably necessary to the support, operation and maintenance of a convention center or exhibition hall, including but not limited to the following:

(1) advertising and publicizing tourist attractions in the area served by the agency;

(2) promoting and otherwise encouraging the use of the facilities in the area served by the agency by the public as a whole;

(3) promoting and attracting conventions, exhibitions and other functions to utilize facilities in the area served by the agency;

(4) precompletion advertising and publicizing of any convention center or exhibition hall;

(5) promoting and attracting conventions, exhibitions and other functions to utilize the convention center or exhibition hall;

(6) promoting and otherwise encouraging the use of the premises by the public as a whole, or any segment thereof;

(7) operating, furnishing and otherwise maintaining and equipping the premises and realty appurtenant thereto;

(8) furnishing and equipping the building and grounds. It is the intention of this section that the receipts from any tax imposed pursuant to the provisions of this act be used in counties of the second class to offset the entire operating deficit, if any, of any convention center or exhibition hall including, equally, shares of any cooperating political subdivision or agency of government incurred pursuant to any agreement presently existing or executed hereafter. The operating deficit shall be determined by any public authority which is the designated operating agency of any convention center or exhibition hall.

(d.1) In counties of the second class A, expenditures from the fund established pursuant to subsection (c) shall be annually appropriated by the county commissioners for tourist promotion activities, to be executed by the designated tourist promotion agency for:

(1) marketing the area served by the agency as a leisure travel destination;

(2) marketing the area served by the agency as a convention and business travel destination;

(3) marketing the area served by the agency to the public as a whole for use of its tourist and convention facilities;

(4) using all appropriate marketing tools to accomplish these purposes, including advertising, publicity, publications, direct marketing, direct sales, participation in travel trade shows, etc.

The county commissioners may deduct from the funds collected any direct or indirect costs attributable to the collection of the tax.

(e) (1) The provisions of this section relating to counties of the second class shall remain in force from year to year. Revenues in excess of amounts needed to offset operating deficits shall be determined by the public authority and may be accumulated, and any revenues may be used to provide part or all of any annual payment to be paid by a county or a political subdivision under any agreement with any public authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," which has been designated as the operating agency for a convention center or exhibition hall in support of bonds issued by the public authority; or to effect necessary expansion or further capital improvements, within the discretion of the cooperating political subdivisions and the public authority.

(2) [The provisions of this section relating to counties of the second class A shall remain in force for three (3) years from the effective date of this act, at which time such provisions shall terminate without further action on the part of the county commissioners.] The provisions of this section relating to counties of the second class shall remain in force and effect for three (3) years from the date of this reenactment and may be continued thereafter by ordinance or resolution of the county commissioners of the respective counties.

(f) Each tax year for any tax imposed hereunder shall run concurrently with the calendar year.

Amend Sec. 1, page 1, line 8, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, lines 8 through 10, by striking out "of the act of" in line 8, all of line 9 and "County Code" in line 10

Amend Sec. 2, page 2, line 29, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

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

Senator LOEPER. I will, Mr. President.

Senator KELLEY. Mr. President, would the gentleman explain the amendment, please?

Senator LOEPER. I would be happy to, Mr. President. Essentially, this amendment reauthorizes the hotel tax for counties of the second class A which expired on December 7th after a three year period. This reauthorizes it on a yearly or annual basis.

Senator KELLEY. Mr. President, given that the expiration date precedes our passage consideration which is now 2:15 a.m. on the twelfth day of December, 1985, does the amendment deal with the interim period as being retroactive to cover up taxes, or when is the effective time?

Senator LOEPER. It is prospective, Mr. President.

Senator KELLEY. Mr. President, prospective as to the date of enactment?

Senator LOEPER. Mr. President, the gentleman is correct.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 801 will go over, as amended.

BILLS OVER IN ORDER

SB 876 and 1010 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

CONSIDERATION OF SUNSET REVIEW RESOLUTION NO. 13

Senator MELLOW. Mr. President, I would like to call up as a special order of business Sunset Review Resolution No. 13.

The PRESIDENT pro tempore. Senator Mellow, would you like to make that in the form of a motion?

Senator MELLOW. Yes, Mr. President. I move that we call up Sunset Review Resolution No. 13.

The PRESIDENT pro tempore. Senator Mellow moves that we call as a special order of business Sunset Review Resolution No. 13.

The Senate proceeded to consideration of the resolution, entitled:

Continuing existence of the Pennsylvania Liquor Control Board scheduled for termination under the Sunset Act.

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

Senator LOEPER. Mr. President, I would object to the calling of that resolution at this time and ask our Members for a negative vote.

Senator MELLOW. Mr. President, once again, just simply stating the facts, I believe we know what the issue is we are dealing with. It is the issue of the Liquor Control Board. I would request a roll call vote.

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

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

YEAS—22

Table with 4 columns of names: Andrezeski, Bodack, Early, Fumo, Hankins, Jones, Lewis, Lincoln, Lynch, Mellow, Musto, O'Pake, Reibman, Rocks, Romanelli, Ross, Scanlon, Singel, Stapleton, Stout, Williams, Zemprelli

NAYS—25

Table with 4 columns of names: Armstrong, Bell, Brightbill, Corman, Fisher, Greenleaf, Helfrick, Holl, Hopper, Jubelirer, Kelley, Kratzer, Lemmond, Loeper, Madigan, Moore, Pecora, Peterson, Rhoades, Salvatore, Shaffer, Shumaker, Tilghman, Wenger, Wilt

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

SECOND CONSIDERATION CALENDAR RESUMED

BILLS ON SECOND CONSIDERATION

HB 1013 (Pr. No. 2075) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

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

HB 1014 (Pr. No. 1251) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Boat and Fish Funds.

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

BILLS OVER IN ORDER

SB 1132, 1136, 1162, 1180, 1194 and 1259 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

HB 1440 (Pr. No. 1769) — The Senate proceeded to consideration of the bill, entitled:

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.

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

HOUSE CONCURRENT RESOLUTION NO. 168, CALLED UP

Senator LOEPER, without objection, called up from page 8 of the Calendar, House Concurrent Resolution No. 168, entitled:

Directing the Department of Health to conduct an investigation into the adequacy of Commonwealth law and existing public health measures which may prevent the spread of Acquired Immune Deficiency Syndrome within the population, to make recommendations, to report to the General Assembly, and to engage in such public information activities deemed necessary.

On the question, Will the Senate concur in the resolution?

Senator WILT, on behalf of himself and Senator MELLOW, offered the following amendment:

Amend first resolve clause, page 2, line 13, by striking out "and" where it appears the first time

Amend first resolve clause, page 2, line 14, by inserting after "Act": and the adequacy of policies and procedures in institutions and facilities operated by the Department of Public Welfare and by the Department of Corrections

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

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Mercer, Senator Wilt.

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

Senator WILT. I will, Mr. President.

Senator KELLEY. Mr. President, would the gentleman explain the amendment to me?

Senator WILT. Mr. President, the amendment amends a resolution which directs that the Department of Health do a study on the problem of AIDS in the Commonwealth. The amendment merely includes in that study that those institutions and facilities operated by the Department of Welfare and the Department of Corrections be included in that study.

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

On the question,  
Will the Senate concur in the resolution, as amended?

**SENATE CONCURS IN HOUSE CONCURRENT  
RESOLUTION NO. 168, AS AMENDED**

Senator LOEPER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 168, as amended.

The motion was agreed to and the resolution was concurred in.

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

**PERMISSION TO ADDRESS SENATE**

Senator WILLIAMS asked and obtained unanimous consent to address the Senate.

Senator WILLIAMS. Mr. President, I rise at this late hour to indicate that you did not give me a chance to vote in the negative. I would like to be recorded in the negative on the last amendment.

The PRESIDENT pro tempore. The remarks of the gentleman will be spread upon the record.

**SENATE RESOLUTION**

Senator SALVATORE. Mr. President, I offer the following resolution and ask unanimous consent for its immediate consideration.

Senator KELLEY. Mr. President, reserving the right to object, I would like to know the subject matter of the resolution before I exercise my right to object.

The PRESIDENT pro tempore. The Clerk will read the resolution.

**DECLARING THE SUPPORT OF THE SENATE  
OF THE COMMONWEALTH OF PENNSYLVANIA  
FOR THE CREATION OF A CONVENTION  
CENTER AUTHORITY TO CONSTRUCT A  
CONVENTION CENTER IN DOWNTOWN  
PHILADELPHIA AND THE INTENT OF THE  
SENATE TO ACT ON THE NECESSARY  
LEGISLATION FOR THE GOVERNANCE AND  
FINANCING OF THE CONVENTION CENTER  
IN EARLY 1986**

Senator SALVATORE, on behalf of himself and Senators FUMO, ROCKS, WILLIAMS, HANKINS, LYNCH and JONES offered the following resolution (**Senate Resolution No. 115**), which was read as follows:

In the Senate, December 11, 1985.

**A RESOLUTION**

Declaring the support of the Senate of the Commonwealth of Pennsylvania for the creation of a Convention Center Authority to construct a convention center in downtown Philadelphia and the intent of the Senate to act on the necessary legislation for the governance and financing of the convention center in early 1986.

WHEREAS, The Senate recognizes the urgent need for the construction of a new convention center facility in downtown Philadelphia if Pennsylvania is to become competitive in the convention and tourism industry; and

WHEREAS, The development of such a convention center to adequately accommodate convention trade exhibitions and public shows would generate new business and employment opportunities, increase the number of public facilities, provide new sources of State and local tax revenues and promote industrial development in the vicinity of the convention center; and

WHEREAS, By attracting nonresident visitors to this Commonwealth through the development of the convention center, substantial economic development will be stimulated in such tourism-related industries as transportation, hotels, restaurants, recreation, entertainment and retail sales establishments, which, in turn, will promote the overall economic development of the Commonwealth and will provide new and enhanced employment opportunities for our citizens; and

WHEREAS, In furtherance of the aforementioned, the General Assembly, in May, 1984, enacted legislation enabling \$43.9 million of State capital funds to be used for the development of a convention center in downtown Philadelphia; and

WHEREAS, In July, 1985, the Governor released \$6.1 million of State capital funds in order to facilitate the relocation of businesses from the convention center site area to other Pennsylvania locations; and

WHEREAS, The City of Philadelphia has already spent \$14 million to advance the project by providing for the initial costs of development, land acquisition and necessary business relocation; and

WHEREAS, The City has agreed to provide additional funds to enable the designing of the project to proceed on schedule; and

WHEREAS, If the preliminary design and development phase of the project is not continued without interruption, it is highly unlikely that the convention center can be completed and opened by 1990 in order for Pennsylvania to remain competitive with other East Coast convention centers; therefore be it

RESOLVED, That the Senate declare its continuing support for the creation of a Convention Center Authority to provide for the construction, governance and financing of a convention center in downtown Philadelphia, Pennsylvania, and declare its

intent to act on the necessary legislation for the furtherance of said purposes in early 1986; and be it further

RESOLVED, That the Senate memorialize the Governor to release such capital funds as are necessary to preserve the momentum of the convention center project.

On the question,

Will the Senate adopt the resolution?

Senator KELLEY. Mr. President, in lieu of the eminency of the threat of loss of getting back the federal taxes and everything like that, it is important that I withdraw my reservation so that we could have immediate consideration.

Senator TILGHMAN. Mr. President, I object to unanimous consent.

Senator SALVATORE. Mr. President, I wanted to just speak on the resolution.

The PRESIDENT pro tempore. Senator, the gentleman has objected to unanimous consent. You would have to suspend the Rules to do that.

#### MOTION TO SUSPEND RULES

Senator SALVATORE. Then I move to suspend the Rules, Mr. President, so the resolution can be considered tonight—or this morning. Mr. President, I ask for a roll call vote.

The PRESIDENT pro tempore. We have not suspended the Rules yet.

Senator SALVATORE. Mr. President, I am asking that we suspend the Rules.

The PRESIDENT pro tempore. Wait until we place it to the Body.

Oh, you people from Philadelphia.

Senator SALVATORE. That is a very nice place to come from, Mr. President.

The PRESIDENT pro tempore. Senator Salvatore moves that we suspend—

#### POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Philadelphia, Senator Rocks, will state it.

Senator ROCKS. Mr. President, if that aspersion was cast from this floor by any Member of this Senate it might be—

The PRESIDENT pro tempore. The Chair apologizes to the gentleman. It was meant in jest. It is a late hour, and I am trying to keep things light and if I offended anybody, I apologize.

Senator SALVATORE. Mr. President, I took it as jest.

The PRESIDENT pro tempore. I certainly meant no reflection. I regret it, but I think the gentleman knows better than to take it that way. I think the hour is getting late, and when we get to these hours the tension grows a little thicker. I apologize. I cannot do any more than that.

Senator WILLIAMS. Mr. President, I would like to speak just briefly on the same point. I know the President meant it in jest. I know no harm was meant, and I did not take it that way, although I do just want to say to the President and everyone else that the quickest way to engender disrespect in serious is to do it in jest. I just want to say as a Member of the

Senate from Philadelphia that I do not consider all the jokes I hear to be anything that is appropriate. We are all Senators, and I would not dare cast any jest aspersion to any section of Pennsylvania, and we hear it too often about Philadelphia.

The PRESIDENT pro tempore. Senator, come to Altoona and you will hear it, perhaps, even more. We try to take it lightly. I apologize, and I cannot do anything more than that.

Senator WILLIAMS. Mr. President, that might be so. I took it the way you meant it, but now I think you are trying to suffocate a serious thought. I just want to say this one gentleman understands how something in jest generates discrimination and all those pernicious things, and I would graciously request that we cease. That is all I am saying and I will sit down.

Senator ROCKS. Mr. President, on my point of order, I want to sincerely thank the Chair and tell you that not only is the hour late, but the road has been very long to this point, and I thank you.

The PRESIDENT pro tempore. Thank you. May we proceed to put the question before the Body?

Senator Salvatore has moved that we suspend Senate Rule XXXI, subsection (2).

An "aye" vote is for suspension, a "no" vote is not for suspension.

On the question,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, lest there be any confusion, I am asking the Democratic Members of the Senate to vote with the gentleman from Philadelphia, Senator Salvatore, on his motion.

And the question recurring,

Will the Senate agree to the motion?

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

#### YEAS—26

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

#### NAYS—21

Armstrong	Helfrick	Lemmond	Rhoades
Bell	Holl	Loeper	Shaffer
Brightbill	Hopper	Madigan	Tilghman
Corman	Jubelirer	Pecora	Wenger
Fisher	Kratzer	Peterson	Wilt
Greenleaf			

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

The PRESIDENT pro tempore. Rule XXXI, subsection (2) is suspended.

And the question recurring,

Will the Senate adopt the resolution?

## SENATE RESOLUTION NO. 115, ADOPTED

Senator SALVATORE. Mr. President, I move that the Senate do adopt Senate Resolution No. 115.

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

Senator SALVATORE. Mr. President, I move for the adoption of the resolution because I want to send a signal that we are doing everything we possibly can to get a convention center for the City of Philadelphia. When we come back in January, I intend to move Senate Bill No. 413 off the table with amendments and proceed to try to pass this necessary legislation that is so vital to the City of Philadelphia and to the State of Pennsylvania. I could go on and on, but at this late hour, Mr. President, I would rather restrict my remarks.

Senator FUMO. Mr. President, I just want to comment on this. This is certainly the issue of the hour as far as we in Philadelphia are concerned, and I am certain it is a very interesting issue and something that has kept a lot of newspaper people and media people up this late with us. It is certainly good to see them here at 2:30 in the morning with us.

Mr. President, I support the resolution. The resolution is not a perfect solution to the current problem with regard to the convention center, problems which are not of our making, but it is certainly something that we have negotiated and, hopefully, this is the first step in an extremely positive direction to keep momentum up on the convention center in the City of Philadelphia. We are far behind cities and states of lesser population. It is something necessary and, quite frankly, Mr. President, if this Senate does not proceed and if we were not to do something, we would be in jeopardy of losing 1,000 jobs within the next few months or so.

Mr. President, with all those reasons, I would urge an affirmative vote on this resolution tonight so we can continue the process of seeing that center built in Philadelphia for the benefit of all Pennsylvanians, not just those who reside within the city limits of Philadelphia.

Senator KELLEY. Mr. President, in my judgment, it would be inappropriate if a matter of this magnitude were just addressed by Members of the Senate from the City of Philadelphia. Being from the western part of the province, I would like to add that those of us, at least I believe all of us, from outside of Philadelphia, duly recognize on a constant basis that Philadelphia is very much an integral part of the Commonwealth, not just historically but economically and politically. We know that the tourism and convention business is also a growing industry in this country, and we want to make sure that our major cities have an opportunity to compete effectively with the other major cities in this country for that business in the future. Therefore, even though I have no great relationship with the City of Philadelphia, politically or economically, I do recognize the realism that Philadelphia is an integral part of the Commonwealth of Pennsylvania in those various activities. Therefore, I support the concept very much because I think it is important, as we have said here earlier on the floor, that we all have to stand together at various times

for what is good for the Commonwealth and the common good of the Commonwealth. Therefore, I urge an affirmative vote from my perspective.

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

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

## YEAS—24

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

## NAYS—23

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

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

## STATEMENT BY MAJORITY WHIP

Senator LOEPER. Mr. President, at this time we are still waiting for a reprint of a bill to come before us. We expect that may take another ten minutes before it is before us, and I would suggest maybe at this time we could move on to house-keeping chores to head toward finishing up today.

## UNFINISHED BUSINESS

## BILL IN PLACE

Senator MUSTO presented to the Chair a bill.

## CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the citizens of Mohrsville by Senator Brightbill.

Congratulations of the Senate were extended to the citizens of Berwick and to the 1985 Bloomsburg University Football Team, the Huskies by Senator Helfrick.

## COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION  
REFERRED TO COMMITTEE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows,



and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE BEDFORD COUNTY  
BOARD OF ASSISTANCE**

December 11, 1985.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 4, 1985 for the appointment of Ray Light (Republican), P. O. Box 305, Hyndman 15545, Bedford County, Thirtieth Senatorial District, as a member of the Bedford County Board of Assistance, to serve until December 31, 1987, and until his successor is duly appointed and qualified, to add to complement.

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

DICK THORNBURGH.

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 316, 568, 696, 971, 1289, 1353 and 1678.**

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 290 and 1248**, with the information the House has passed the same without amendments.

**HOUSE ADOPTS REPORT OF COMMITTEE  
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **SB 417.**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTIONS**

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

**Senate Concurrent Resolutions No. 84 and 108.**

**HOUSE NONCONCURS IN SENATE  
AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 954.**

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

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

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

Recess Adjournment.

**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 11, 1985

**HB 601** — Committee on Banking and Insurance.

**HB 1934** — Committee on Appropriations.

**GENERAL COMMUNICATIONS  
BILLS INTRODUCED AND REFERRED**

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

December 11, 1985

Senators BRIGHTBILL, MADIGAN, STAUFFER, STOUT, O'PAKE and ROMANELLI presented to the Chair **SB 1269**, entitled:

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making repeals.

Which was committed to the Committee on STATE GOVERNMENT, December 11, 1985.

Senator WILT presented to the Chair **SB 1270**, entitled:

An Act providing for life-sustaining procedures to be withheld or withdrawn in instances of a terminal condition.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 11, 1985.

Senators ROMANELLI, HELFRICK, ANDREZESKI and SALVATORE presented to the Chair **SB 1271**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing that certain additional retirement or annuity funds shall be exempt from attachment or execution.

Which was committed to the Committee on JUDICIARY, December 11, 1985.

Senators ROMANELLI, STAPLETON, REIBMAN and ANDREZESKI presented to the Chair **SB 1272**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for an annual adjustment of the rate of utilities gross receipts tax.

Which was committed to the Committee on FINANCE, December 11, 1985.

**REPORT OF STATE GOVERNMENT COMMITTEE  
ON THE SUNSET EVALUATION AND REVIEW  
OF THE PENNSYLVANIA HORSE RACING  
COMMISSION AND THE PENNSYLVANIA  
HARNESS RACING COMMISSION**

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

## SENATE OF PENNSYLVANIA

December 10, 1985

Honorable Robert C. Jubelirer  
 President Pro Tempore  
 Senate of Pennsylvania  
 292 Main Capitol Building  
 Harrisburg, PA 17120

Dear Senator Jubelirer:

As required by Section 5(d) of the Sunset Act (Act 142 of 1981), attached is the report of the State Government Committee on the Sunset Evaluation and Review of the Pennsylvania Horse Racing Commission and The Pennsylvania Harness Racing Commission, together with draft legislation implementing the Committee's recommendation that the Board be continued in existence.

Sincerely,

NOAH W. WENGER  
 State Senator

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

**BILLS SIGNED**

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

**SB 290, 417, 927, 1135, 1158, 1248, HB 316, 568, 690, 696, 971, 1289, 1353, 1363 and 1678.**

**PETITIONS AND REMONSTRANCES**

Senator SINGEL. Mr. President, as a matter of personal privilege, or whatever, I am standing here because the gentleman from Philadelphia, Senator Rocks, wishes to make a speech and he is not on the floor at this time. I wanted to bring that to the attention of the Chair. If it is all right with the Chair, I would like to see if I can locate him.

Senator ROCKS. Mr. President, I thank you very much for the Chair's indulgence in staying with an order of business, although I would have yielded on your generosity of extending the time if the Senate was ready to go back into action, but since we are at a stage of waiting, it gives me an opportunity to submit for our record, as one other Philadelphian and southeastern Pennsylvanian and Member of this Senate, my observations, my feelings, on the resolution that was passed tonight regarding the Philadelphia Convention Center.

Mr. President, since this issue has yet to be fully debated on our floor, it might be important to create a little bit of a backdrop. The convention center for the City of Philadelphia has been envisioned by the city planners in conjunction with those who are attempting to revitalize a region for a number of years. For the last two and a half years, the plans and the efforts have intensified with a clear understanding that for Philadelphia and its region to be competitive in the ever increasing and important industry of tourism, the centerpiece would be a convention center. I can tell you, as one Philadelphian who works frequently in the area of economic development, that many of us view this facility, the center of the

project, as the economic centerpiece for the city's future. I will hope to live to see the day—if not, my children will, hopefully—in the City of Philadelphia when you will stand at City Hall and look to the Delaware River, and there you will see the most exciting urban mall in America. Many of those plans are already in place. As you know, we have a tremendous effort under way at Penns Landing, and this convention center, along with Gallery 1 and Gallery 2, which are two of the most exciting and successful retail centers in the nation, and we are extremely proud of that. This convention center in that vicinity, that same site development, will provide for us that vision I described—for me or for my children—the most exciting urban mall in this nation.

More importantly, we get right down to the creation of jobs. There will be 10,000 jobs created. They will come from, yes, the City of Philadelphia, but very much so from its surrounding counties, and for the suburban residents, approximately 3,000 of the 10,000 permanent jobs will come from suburban counties around Philadelphia. The whole area will realize the economic benefit of what will be the Philadelphia Convention Center. It is projected by those who have very meticulously calculated the worth of this project, that over \$2 billion in state tax revenues will be realized in the first thirty years. Also, over \$2 billion in local revenues are projected, and at a time when every major city of this nation is struggling to balance budgets, I assure you those revenues mean a great deal to the City of Philadelphia's future. That is the background.

Beginning approximately seven months ago, we entered into a process between the Commonwealth and the City of Philadelphia of negotiating the difficult questions, difficult any time you are building a half billion dollar development project, in this instance the convention center. Those negotiations have taken some predictable twists and turns. They have been difficult because they are tedious, they are, for sure, highly technical and they deal with some political realities, a question of control. We await the formulation of an authority whereby the state and city will control. You have heard much about the construction phase of this project being under the control of one authority and then the authority shifts to what would be the management or the operation phase. Those negotiations continue, and we hope they continue in the very best faith as has been extended from the City of Philadelphia, and I want to assume from the Commonwealth. Over these seven months, this Legislature, and with much thanks to our colleagues from around the state as they have joined with us tonight in the passage of the resolution, has passed the first \$43 million in last year's capital budget. The \$43 million expenditure of Commonwealth dollars is, frankly, to allow us to begin, as we have the difficult task of relocating businesses that exist on the site that will become the great southeastern Pennsylvania Convention Center. Those negotiations have stalled at times, and there have been some political dynamics. I am not here tonight to talk about them, only to say that it has been made very clear by the Governor of Pennsylvania, that for his continued interest in this project, he needed an

expression from the Legislature. Mr. President, as of tonight I am very happy to say, as every Philadelphian is and I am sure every southeastern lawmaker I want to believe is, this Legislature, both House and Senate, has spoken. The House has made a crystal clear statement in the passage of that capital budget where they voted the dollars, and that is the most real indication that we can ever give from a Legislature. Tonight, for what have been difficult weeks and, certainly, for the last several days, very, very long and difficult hours, we have passed here a resolution of the Senate that clearly frames the issue of the convention center, and the Governor now has his indication from this General Assembly that it supports Philadelphia's Convention Center.

The importance of this resolution comes down to two specifics that I share with you for our record. One, it is vitally important that the remainder of the \$43 million, as deemed appropriate by the developers and the Commonwealth, flow to that project. We have the first \$9 million. They have been very nervous and tense months for us in Philadelphia to try to relocate businesses. We now look forward to the continued flow of that money, that is in statute that we have passed and that, hopefully, the Governor now understands by this expression is desperately needed, even in the next month, to continue to relocate businesses.

Secondly, for the major \$185 million commitment in this year's capital budget which has yet to move in this Senate, our Governor has asked that he know where the Legislature stood. We accepted that, we accepted it as legislative prose and we accepted it as political prose. We have made that expression tonight so that now the next important step, after continuing to relocate our businesses with the monies we have passed and now look to flow to the City of Philadelphia, we are in position to pass the capital budget and the full \$185 million worth of state funding to our convention center. I should tell you that over the years of the development of this project, that \$185 million will be matched by city funds equaling nearly a half billion dollars or \$500 million.

Mr. President, there is one issue left, and we are anxious as Philadelphians, particularly, to see it addressed. It is the thorny and difficult issue of control, the formulation of an authority. I am convinced that with the action here tonight, we will return, hopefully, after a very happy holiday season and immediately be in position with our negotiators hard at work from this night forward, as they have been for the difficult months, to legislatively consider the authority that will govern the Philadelphia Convention Center.

In closing, Mr. President, I want to thank what has been much leadership in our state in our southeastern region. I want to thank this Senate for its patience and understanding in knowing that albeit this resolution tonight, was a critical legislative step for us to take toward the reality of a convention center in the southeastern part of our state that many of us view a part of our economic future and, in any number of ways, if you are a Philadelphian, we see it as the centerpiece for that city's and region's economy. Hopefully, with this spirit, we will return here in a very happy new year and com-

plete the task so that soon we will know the dream and the reality of a convention center in the hub, the very center of the region in the southeastern part of our state called the great City of Philadelphia.

Senator KELLEY. Mr. President, as we approach the hour at which we assumingly will be adjourning until the seventh day of January next month, I think it is only appropriate that I, not only personally but on behalf of each other, reciprocally wish everyone the best of the Christmas season and Chanukah times, as well as the blessings and fulfillments of joys and pleasures for the new year. I do not say this on my own behalf but for everybody else because I know they share the same sentiments, Mr. President.

The PRESIDENT pro tempore. The Chair thanks the gentleman and shares, I am sure, with all the Members of the Senate in his sentiments.

### RECESS

The PRESIDENT pro tempore. The Senate will stand in recess to the call of the Chair. We are expecting a very important piece of legislation, the industrial development bonds, to be within the Senate within the next ten minutes, so rather than keep the Members here, we will recess to the call of the Chair.

### AFTER RECESS

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

### HOUSE MESSAGE

#### SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1037** and **1204**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

### SUPPLEMENTAL CALENDAR NO. 8

#### SPECIAL ORDER OF BUSINESS

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 1204 (Pr. No. 1705)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for tax-exempt bonds; and imposing powers and duties on the Secretary of Commerce.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1204.

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

Senator SHAFFER. Mr. President, may I first have it spread upon the record that it is 3:25 a.m. and, therefore, even though I am quite certain there could be numerous questions on this bill, I hope the debate will be somewhat limited here tonight.

Senate Bill No. 1204, Mr. President, deals with how we are going to rationally allocate in 1986 what is a very scarce resource in the Commonwealth of Pennsylvania, to wit, Mr. President, the tax free financing for economic development projects. This bill which we have before us bears my name as prime sponsor but, indeed, in fact, it is a mere skeleton of the original version which was put together with the gentleman from Cambria, Senator Singel, and our staffs after statewide hearings and much discussion with Administration officials and other elected parties over approximately the past six months. Indeed, the version we have before us is, in fact, the product of the House of Representatives, controlled by the Democrats, with agreement we believe, of the Thornburgh Administration. Therefore, when the cries of distress that this bill does and will inflict on our local industrial development agencies throughout Pennsylvania become known, I do hope that the local IDA's will direct their comments and their criticisms to the House Democrats and this Administration.

In my view, Mr. President, the existence of our local IDA's, which are the basic economic development tools throughout the Commonwealth, will be seriously complicated by Senate Bill No. 1204, that we are about to pass. We will frustrate their purpose, in my view, and frustrate their purpose in the creating of jobs and increase the likelihood that they will lose prospective economic development projects.

This bill is written by the House Democrats and concurred in by this Administration, Mr. President. It should be known that it gives enormous and far-reaching discretion to the Secretary of Commerce in deciding who and how tax-free financing will be received, who and how tax-free financing will be disbursed after August 1, 1986. I am quite certain it will result in counties fighting among each other to get to the door of the Secretary of Commerce after the first reallocation period date of August 1st. This is going to be a particular disadvantage to those rural and smaller counties with limited staffs.

Indeed, Mr. President, the gentleman from Cambria, Senator Singel, and his staff, and Mr. Powers and I and my staff of Mr. Baer and Mr. Patti, have attempted to fashion legislation that would be genuinely sensitive to the needs of all affected parties in all regions of the Commonwealth.

I want to thank Senator Singel and his folks for the fine nonpartisan and cooperative spirit with which they have undertaken our mission. Unfortunately, Mr. President, our position has not prevailed, and the bill we are about to pass is, first of all, a great disappointment to me, and one that I am afraid will ultimately prove to be deleterious to economic development in the Commonwealth of Pennsylvania.

Senator SINGEL. Mr. President, I share some of the repudiations of the chairman of the committee, and join him

in, first of all, thanking our staffs who worked closely together and put together some extensive hearings and really made a positive effort to develop a practical allocation formula and to establish some guidelines for the department, so we could indicate to them what we thought was practical and how we thought economic development could proceed in an orderly fashion using tax-free financing.

I guess I feel somewhat like I did on my first few dates in high school. You know, you leave the scene feeling excited and interested, perhaps, but somehow unsatisfied. I really believe, Mr. President, that there will be continued scrutiny. Our local IDA's, our local experts in the field, are going to see that there is a need for further clarification, the need for further crystalization, and what have you.

For the benefit of all of the Members, these are the numbers we are talking about. The total state allocation will be \$1,782,750,000. Of that, \$1,188,558,000 will be allocated to the counties. The state allocation that will be retained will be \$594 million, give or take a couple hundred thousand dollars. We are talking about major dollars here and, again, I think there will come a time next year when we will be sitting down again dealing with this matter. But, I must reach the conclusion that it is inescapable and that is, unless we take this action today at 3:30 a.m. in the morning, that on January 1st we revert back to the federally mandated structure of a 50/50 split of the tax financing allocation. That would be disaster. The fact is that the numbers for the allocations closely reflect the original proclamation issued by the Governor. Fortunately for all of us, those numbers were not half bad. They were a close approximation of what was expected to be expended in those counties and at least we are guaranteed that the counties are going to have adequate resources to work with. Still there are some things that have to be tightened. I think we are going to have to be looking at this again next year. I agree with the gentleman from Butler, Senator Shaffer, in particular, that we are, as a committee, going to have to, and we will watch the regulations that come forth from the Department of Commerce like a hawk. I think those are going to be critical to the success or failure of the program. So, again, I would thank all of my colleagues for their indulgence. I would thank Senator Shaffer and his able staff and my able staff and Joe Powers for the work we have done. I would urge a "yes" vote on concurrence.

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

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

#### YEAS—46

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

Helfrick            Madigan

NAYS—1

Shaffer

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

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

### **BILL SIGNED**

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

**SB 1204.**

### **ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, January 7, 1986, at 11:45 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Standard Time.