

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JUNE 26, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 47

SENATE

THURSDAY, June 26, 1986.

The Senate met at 10:30 a.m., Eastern Daylight Saving Time.

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

PRAYER

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

Our Father, we acknowledge Thy presence in our midst. We beseech Thee to grant Thy blessing upon this Senate. Guide and direct these men and women whose province it is to govern. Preserve them from hasty judgment and vain dispute. Inspire them to devise and do the things which shall be to the glory of Thy name, the building of Thy true kingdom, and the welfare of this Commonwealth. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 25, 1986.

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 following committees to meet off the floor today to consider the following bills: the Committee on Public Health and Welfare to consider House Bill No. 2454; the Committee on Community and Economic Development to consider House Bill No. 792, House Bill No. 2100, House Bill No. 2101 and House Bill No. 2103; the Committee on Law and Justice to consider House Bill No. 1553 and House Bill No. 1337; the Committee on State Government to consider Senate Bill No. 628; and the Committee on Education to consider House Bill No. 2118.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

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

SB 1040, 1075 and 1415.

NOMINATION BY THE GOVERNOR 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

June 25, 1986.

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 Neal Gallagher, Park Avenue, Woolrich 17779, Clinton County, Thirty-fourth Senatorial District, for appointment as District Justice in and for the County of Clinton, Magisterial District 25-3-01, to serve until the first Monday of January, 1988, vice Carl R. Hamberger, resigned.

DICK THORNBURGH.

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:

DISTRICT JUSTICE

June 25, 1986.

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 April 10, 1986 for the appointment of Charles P. Eyer, Esquire, R. D. 5, East Stroudsburg 18360, Monroe County, Twentieth Senatorial District, as District Justice in and for the County of Monroe, Magisterial District 43-4-01, to serve until the first Monday of January, 1988, vice Emanuel Scavone, resigned.

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:

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

June 25, 1986.

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 June 24, 1986 for appointment of Janice Mannal, 7809 Pine Road, Wyndmoor, Montgomery County, Seventeenth Senatorial District, as a member of the State Tax Equalization Board, to serve until November 14, 1987, and until her successor is appointed and qualified, vice LeGree S. Daniels, Harrisburg, resigned.

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

DICK THORNBURGH.

**CORRECTION TO NOMINATION BY THE
GOVERNOR 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 STATE BOARD
OF FUNERAL DIRECTORS**

June 25, 1986.

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

Please note the nomination dated June 4, 1986, for the appointment of Henry J. Nimmons, 1301 West Lehigh Avenue, Philadelphia 19132, Philadelphia County, Fifth Senatorial District, as a member of the State Board of Funeral Directors, to serve for five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Bart Cavanagh, Media, whose term expired, should be corrected to read:

Henry J. Nimmons, 1301 West Lehigh Avenue, Philadelphia 19132, Philadelphia County, Third Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Bart Cavanagh, Media, whose term expired.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 303**, with the information the House has passed the same without amendments.

**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 258, 1812 and 1876**.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 936**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILL FOR CONCURRENCE

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

June 26, 1986

HB 2101 — Committee on Community and Economic Development.

BILLS SIGNED

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

SB 303, HB 258, 1812, 1876, 2093, 2247 and 2276.

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

Senator BELL submitted the Report of Committee of Conference on **HB 1639**, which was laid on the table.

LEAVE OF ABSENCE

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request temporary Capitol leaves for Senator Lemmond and Senator Madigan.

The PRESIDENT pro tempore. Senator Loeper has requested temporary Capitol leaves for Senator Madigan and Senator Lemmond. The Chair hears no objection. The leaves are granted.

Senator ZEMPRELLI. Mr. President, I would request various leaves of absence as follow: temporary Capitol leaves for Senator Fumo and Senator Mellow, a temporary legislative leave for Senator Reibman and a legislative leave for Senator Williams.

The PRESIDENT pro tempore. Senator Zemprelli has requested temporary Capitol leaves for Senator Fumo and Senator Mellow, a temporary legislative leave for Senator Reibman and a legislative leave for Senator Williams. The Chair hears no objection. The leaves are granted.

Senator LOEPER. Mr. President, I would also request a temporary Capitol leave on behalf of Senator Stauffer who has been called from the floor.

The PRESIDENT pro tempore. Senator Loeper has requested a temporary Capitol leave for Senator Stauffer. The Chair hears no objection. The leave is granted.

CALENDAR

HB 430 CALLED UP OUT OF ORDER

HB 430 (Pr. No. 3775) — 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 ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 430 (Pr. No. 3775) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction of district justices and for community public service programs; and for adoption of guidelines for sentencing.

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—49

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

NAYS—0

A 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.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Labor and Industry to meet off the floor today to consider House Bill No. 2104.

CONSIDERATION OF CALENDAR RESUMED

HB 1875 CALLED UP OUT OF ORDER

HB 1875 (Pr. No. 3776) — 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 1875 (Pr. No. 3776) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a community services block grant program; and further providing for powers and duties of the Department of Community Affairs.

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 8, lines 12 and 13, by striking out "activities to provide" in line 12 and all of line 13

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

It was agreed to.

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

**MEETING OF THE COMMITTEE ON
PUBLIC HEALTH AND WELFARE**

Senator WILT. Mr. President, I would like to invite the Members of the Committee on Public Health and Welfare to join with me for a meeting off the floor in the Democratic caucus room. Since there are other meetings, rather than using the Rules Committee room, possibly one of the other committees could use that room.

The PRESIDENT pro tempore. Senator Wilt has asked that upon the recess of the Senate, which is imminent, that the Members of the Committee on Public Health and Welfare report to the Democratic caucus room where permission has been given by the Majority and Minority Leaders to hold a committee meeting off the floor.

RECESS

Senator LOEPER. Mr. President, I would request a recess of the Senate for the purposes of the Members having their lunch and for a Republican caucus commencing at 12:30 p.m. in the Majority caucus room. I would also indicate to the Members in addition to the meeting of the Committee on Public Health and Welfare, there will be a meeting of the Committee on Education to be held in the Rules Committee room immediately following the recess and that will be followed in the Rules Committee room by brief meetings of the Committee on Labor and Industry and the Committee on State Government, of which announcements will be made as to those times.

Senator ZEMPRELLI. Mr. President, I would ask that the Democrats caucus at 1:00 p.m. rather than 12:30 p.m.

The PRESIDENT pro tempore. We have several committee meetings. Senator Wilt has already announced that the meeting of the Committee on Public Health and Welfare will meet in the Democratic caucus room immediately upon recess. In the Rules Committee room will be the meetings of the Committee on Labor and Industry, the Committee on Education and the Committee on State Government. In the Minority caucus room will be the meeting of the Committee on Public Health and Welfare. There will be other committees meeting off the floor and the clerk or the Secretary will announce them as they come. Senator Loeper has asked the Republican Members of the Senate to report to the first floor caucus room promptly at 12:30 p.m. Senator Zempirelli has asked the Democratic Members of the Senate to report promptly by 1:00 p.m. to the Democratic caucus room at the rear of the Senate Chamber. For these purposes, the Senate will stand in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS**ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Appropriations to meet off the floor to consider House Bill No. 2090.

MEETING OF COMMITTEE ON APPROPRIATIONS

Senator STAUFFER. Mr. President, I would ask for a very, very brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations to convene immediately in the Rules Committee room. In fact, Mr. President, if the Members of the Committee on Appropriations would meet, I would see no reason why the Session, in order to clear items on the desk, could not continue.

The PRESIDENT pro tempore. Senator Stauffer has requested that Members of the Committee on Appropriations report immediately to the Rules Committee room at the rear of the Senate Chamber, so that Members of the Committee on Appropriations can meet on a bill before the committee. In the meantime, with the cooperation of the Members, we will do some housekeeping chores here in Session in order to move the day along.

HOUSE MESSAGES**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 1639**, which was placed on the Calendar.

HOUSE BILLS FOR CONCURRENCE

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

June 26, 1986

- HB 459** — Committee on Public Health and Welfare.
- HB 607** and **2308** — Committee on Banking and Insurance.
- HB 1543** and **2072** — Committee on Judiciary.
- HB 1776** — Committee on Urban Affairs and Housing.
- HB 2120** and **2469** — Committee on State Government.
- HB 2330** — Committee on Appropriations.

REPORTS FROM COMMITTEES

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bills:

HB 792 (Pr. No. 3803) (Amended)

An Act amending the "Small Business Incubators Act," approved July 2, 1984 (P. L. 555, No. 111), further providing for grants, loans and loan guarantees; and removing provisions relating to guidelines and regulations.

HB 2100 (Pr. No. 3805) (Amended)

An Act amending the act of July 2, 1984 (P. L. 568, No. 113), known as the "Employee-Ownership Assistance Program Act," further providing for technical assistance, financial assistance, and criteria for evaluating applications; providing for grants; and removing provisions relating to guidelines and regulations.

HB 2101 (Pr. No. 3806) (Amended)

An Act amending the "Business Infrastructure Development Act," approved July 2, 1984 (P. L. 520, No. 105), further providing for loans and grants and their requirements and conditions; and removing provisions relating to guidelines and regulations.

HB 2103 (Pr. No. 3807) (Amended)

An Act establishing a program within the Department of Commerce to provide technical and financial assistance to manufacturers to enable them to remain technologically competitive in their fields; providing funds for technology assessments and professional services, and loans for technological improvements; and conducting technology information outreach.

Senator PECORA, from the Committee on Local Government, reported the following bills:

SB 1408 (Pr. No. 2302) (Amended)

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for the filling of certain vacancies on the police force and in the fire department.

HB 1735 (Pr. No. 3804) (Amended)

An Act amending the act of December 10, 1974 (P. L. 852, No. 287), referred to as the "Underground Utility Line Protection Law," further providing requirements for excavation or demolition work.

HB 2325 (Pr. No. 3206)

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," further providing for membership on certain retirement boards.

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

HB 1337 (Pr. No. 3802) (Amended)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," establishing a system of information for the Pennsylvania State Police regarding crimes resulting from intergroup tensions.

HB 1553 (Pr. No. 1896)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for training of Pennsylvania State Police for response to ethnic tension situations.

Senator MADIGAN, from the Committee on Labor and Industry, reported the following bill:

HB 2104 (Pr. No. 3801) (Amended)

An Act amending the act of July 1, 1978 (P. L. 584, No. 109), known as the "Milrite Act," further providing for powers and duties of council, and for the operation and functions of area labor management committees.

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

SB 628 (Pr. No. 2301) (Amended)

An Act authorizing and directing the Department of General Services, with the approval of the Department of Corrections and the Governor, to convey to the Montgomery County Farm, Home and 4-H Foundation, 13.617 acres of land, more or less, situate in Skippack Township, Montgomery County, Pennsylvania.

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

HB 2118 (Pr. No. 2873)

An Act amending the act of July 2, 1984 (P. L. 553, No. 110), known as the "Engineering School Equipment Act," further specifying requirements for grants under the program.

Senator WILT, from the Committee on Public Health and Welfare, reported the following bill:

HB 2454 (Pr. No. 3836) (Amended)

An Act providing for the use of State funds to expand a special supplemental food program for women, infants and children.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Lemmond, Senator Madigan, Senator Stauffer and Senator Reibman and their temporary Capitol leaves and legislative leaves will be cancelled.

RECESS

The PRESIDENT pro tempore. The Senate will stand in recess pending the completion of the meeting of the Committee on Appropriations being held in the Rules Committee room at the rear of the Senate Chamber.

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

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

SUPPLEMENTAL CALENDAR NO. 2

HB 1875 CALLED UP OUT OF ORDER

HB 1875 (Pr. No. 3800) — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1875 (Pr. No. 3800) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a community services block grant program; and further providing for powers and duties of the Department of Community Affairs.

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

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Lincoln.

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

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—49

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

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

SUPPLEMENTAL CALENDAR NO. 1

HB 1639 CALLED UP OUT OF ORDER

HB 1639 (Pr. No. 3778) — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

HB 1639 (Pr. No. 3778) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment, terms, compensation and qualifications of and restrictions on commissioners; providing for a director of operations, the Office of Trial Staff, the Office of Special Assistants and the Director of Operations and their powers and duties; further providing for procedures, reports, budget requests and audits and for rate increase requests; providing for management efficiency investigators and for fuel purchase audits; limiting recovery of certain employee meeting expenses; making provisions relating to the sale of electric generating units; providing for the regulation of excess capacity costs and new electric generating units; restricting rate setting procedures of telephone companies; requiring that

certain data be supplied by electric utilities; further regulating the recovery of advertising expenses and the recovery of club dues; authorizing the commission to order conservation and load management; regulating coin telephone service; and reestablishing the Pennsylvania Public Utility Commission.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1639.

On the question,

Will the Senate agree to the motion?

Senator BODACK. Mr. President, I rise to support this report of the Committee of Conference for House Bill No. 1639. First of all, I would like to commend the hard work of my co-conferees, the gentleman from Delaware, Senator Bell, and the gentleman from Perry, Senator Moore, along with the House Members, because this committee fashioned a bill which will help the consumers very much. It was voted out of committee by a vote of 6-0.

What the report does, Mr. President, is it contains strong statutory language which helps to prevent ratepayers from being charged for new power generating capacity which is over and above what is needed to meet their demands. This measure should go a long way in discouraging utilities from going on any additional power building binges at the expense of the consumers. The Committee of Conference eliminated, Mr. President, provisions that would have allowed electric utilities to charge ratepayers for construction work in progress, or CWIP as it is called, when the facility is designed to utilize coal which is mined in Pennsylvania. Under the current law, utilities are barred from charging ratepayers for construction of power plants until the plants are actually operating or become used and useful.

The CWIP language was removed from the report of the Committee of Conference. However, a more restrictive version of that provision to boost Pennsylvania's ailing coal industry by promoting the construction of coal-fired power plants when and if additional generating capacity is needed, passed the Senate—that was House Bill No. 258—last week, and cleared the House yesterday on a vote of 186-13.

Other reform provisions of this bill as contained in the report of the Committee of Conference would reduce the terms of PUC Commissioners from ten years to five years in an effort to make the PUC more accountable for its actions. It would also prohibit utilities from charging ratepayers for unnecessary advertising expenses, their country club dues and utility executive entertainment costs. It also grants the PUC statutory authority to deny a utility company's rate increase request based on poor or inadequate service to its customers. It also allows the PUC to base decisions on utility rates on a utility's efficiency of operation and to provide for the appointment of management efficiency investigators. It also provides, Mr. President, for PUC audits of utility fuel purchases, and it requires the Public Utility Commission to develop an expense reduction program for electric and gas utilities. It also requires that all pay telephones accept incoming calls and it prohibits former Public Utility Commis-

sioners from representing a utility before the commission for three years after departing the Public Utility Commission. It also splits the PUC legal staff so the Public Utility Commission attorneys do not find themselves engaged in a conflict of interest situation in serving both the public and the Public Utility Commission. Finally, it subjects the Public Utility Commission to another Sunset review in five years and every ten years after that.

All in all, there are two features of the legislation that I did not necessarily agree with, but it does represent the most comprehensive reform of the PUC in more than a decade, and it gives the commission all the authority it needs to reject unnecessary and exorbitant utility rate increase requests. It is for this reason that I signed the report of the Committee of Conference and support its final enactment.

MOTION TO SUSPEND RULES

Senator FUMO. Mr. President, at this time I would like to make a motion to suspend the Rules for the purpose of offering an amendment to allow for two-thirds confirmation.

The PRESIDENT pro tempore. The motion would be out of order, Senator Fumo, because it has nothing to do with the Senate Rules. Under the rulings in Mason's Manual of Legislative Procedure and every other parliamentary procedure book, it is the opinion of the Chair that a highly privileged question is presently before the Senate, that is whether or not the Senate will adopt or reject the Committee of Conference report on House Bill No. 1639. Therefore, a motion to suspend the Rules in order to offer an amendment would not be in order at this time as it yields to the privileged question.

RULING OF THE CHAIR APPEALED

Senator FUMO. Mr. President, I would respectfully disagree with the Chair and appeal the ruling of the Chair. I understand if we are successful in our appeal of the ruling of the Chair, that will permit us to suspend the Rules and offer the amendment. So I, therefore, appeal the ruling of the Chair and ask for a roll call vote.

The PRESIDENT pro tempore. Senator Fumo has challenged and appealed the ruling of the Chair. An "aye" vote is to sustain the ruling of the Chair, a "no" vote would be, in essence, a vote to suspend the Rules so that Senator Fumo would be able to offer an amendment to a Committee of Conference report.

On the question,

Shall the decision of the Chair be sustained?

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Chester, Senator Stauffer, will state it.

Senator STAUFFER. Mr. President, since the fact that a Committee of Conference report cannot be amended is not an item of our Rules but is a general rule of parliamentary procedure as found in Mason's Manual of Legislative Procedure, would it not be the fact that there is no Rule to suspend?

The PRESIDENT pro tempore. The gentleman's point is well taken and correct.

Senator STAUFFER. Therefore, Mr. President, would it not be the case that although the gentleman's motion is to disagree with the Chair, it would be nothing more than a point to be made, and it would have no parliamentary effect?

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

Senator ZEMPRELLI. Mr. President, would the Chair please state precisely the issue that is before us at this time?

The PRESIDENT pro tempore. Senator Fumo has challenged the ruling of the Chair. An "aye" vote sustains the ruling of the Chair, a "no" vote overturns the ruling of the Chair.

Senator ZEMPRELLI. Mr. President, is it my understanding or am I correct in my understanding that is the only issue that is before us at this time?

The PRESIDENT pro tempore. That is correct, that is the only issue before the Body at this time.

Senator ZEMPRELLI. Mr. President, I would ask all Members of the Senate to vote in the negative.

Senator STAUFFER. Mr. President, I think the Chair was perfectly proper in its ruling and I would ask for an affirmative vote on the motion.

And the question recurring,

Shall the decision of the Chair be sustained?

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

YEAS—25

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

NAYS—24

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

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

The PRESIDENT pro tempore. The ruling of the Chair is sustained.

And the question recurring,

Will the Senate agree to the motion to adopt the Report of Committee of Conference?

MOTION TO RECOMMIT TO COMMITTEE OF CONFERENCE

Senator ZEMPRELLI. Mr. President, I have reviewed House Bill No. 1639 as it is presented to us, and as a result of what I have read and the number of offensive as well as very progressive issues that are involved in that legislation, I

believe it needs a great deal more work. Therefore, I move that House Bill No. 1639 be recommitted to the Committee of Conference and I request a roll call vote.

The PRESIDENT pro tempore. It has been moved by Senator Zemprelli that House Bill No. 1639 be recommitted to the Committee of Conference.

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

Senator STAUFFER. Mr. President, as we all know, the Committee of Conference has deliberated long and hard and I would ask for a negative vote on the motion.

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

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

Senator STAPLETON. 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 ZEMPRELLI and were as follows, viz:

YEAS—17

Andrezeski	Lincoln	Rocks	Stapleton
Fumo	Lynch	Romanelli	Stout
Hankins	Mellow	Ross	Williams
Kelley	Musto	Scanlon	Zemprelli
Lewis			

NAYS—32

Armstrong	Helfrick	Loeper	Salvatore
Bell	Hess	Madigan	Shaffer
Bodack	Holl	Moore	Shumaker
Brightbill	Hopper	O'Pake	Singel
Corman	Jones	Pecora	Stauffer
Early	Jubelirer	Peterson	Tilghman
Fisher	Kratzer	Reibman	Wenger
Greenleaf	Lemmond	Rhoades	Wilt

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 motion to adopt the Report of Committee of Conference?

LEGISLATIVE LEAVE CANCELLED

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

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

Senator LINCOLN. Mr. President, I rise today to continue my argument against House Bill No. 1639. The arguments I am going to offer against it today are no different than the ones I put forth in this Body back in April when this was House Bill No. 1639 and not a Committee of Conference report on House Bill No. 1639.

Mr. President, could we be at ease?

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

Senator LINCOLN. Mr. President, as I was saying, I rise to speak against the report of the Committee of Conference on House Bill No. 1639. I believe we in the Legislature in Pennsylvania, if we adopt this report of the Committee of Conference, when I hear professionals, everyday people, my constituents, school students, when I go in to speak to their classes, say that their opinion of us is not the highest at times, and the kind of reaction we have in what we come up with legislatively often causes that concept about the General Assembly, and I imagine it would be like that throughout this country. We are taking such a short-sighted position on the future energy needs of my children and everybody else's children and grandchildren in this room. I say that because in the short fourteen years I have been in this General Assembly—or, I can remember in the 1973-74 Session having to go to the Chief Clerk in the House where I was serving then to get a letter to allow me to buy enough gasoline to get to my home. I remember the hue and cry that came out of not only the Pennsylvania Legislature, but nationwide the hue and cry for energy independence. We turned to the utility companies and we said to them, "Make us energy independent. Make us so we do not have to depend on oil coming in from the Middle East and from outside this country." Here we are thirteen years later saying to the utility companies in Pennsylvania, "Thanks for doing one hell of a good job, but now we are going to kick you in the teeth." It is not bad enough that we are being critical now of the good job that has been done in producing energy, but we are telling them that their utility rates are going to be lower, that fifteen years from now, and maybe less, we are going to face another energy crisis, because there is not a person in this room who can stand up and tell me that fifteen years from now we people of Pennsylvania are going to be using less energy. During my lifetime there have been incredible increases in the demand, for electricity particularly. I guarantee you that demand is going to continue to grow. In fifteen years the needs are going to be there but the ability to supply those needs are not.

Another point, of which we have talked in this Chamber for the last three and one-half years is about the economics of Pennsylvania, the lack of jobs and the loss of jobs. We are going to do away with thousands of jobs with this vote, not hundreds but thousands of construction jobs, coal jobs, and anything that is related to the utility areas, thousands and thousands. I come from an area where losing ten jobs is a disaster, losing 100 draws countywide attention, it is on everybody's lips, and I guarantee you that if we would lose 1,000 jobs in my Senatorial district, I do not know what we would do to handle it.

I heard a previous speaker talk about removing CWIP for coal. I cannot believe anyone who has taken the opportunity to see how bad the coal industry is in this Commonwealth today and how the only place that is saving any of the coal industry we have is the utility companies buying the coal to produce electricity, how anybody could say that they were

pleased that the CWIP provision was taken out of House Bill No. 1639. We are not going to have twenty-five or thirty power plants built because of that CWIP legislation, but because of what is in this bill I can tell you there are two that are not going to be built and those two are in the western part of this state. They would provide thousands of jobs directly in the coal industry and hundreds of jobs outside the coal industry. That is what this bill and this vote today is going to say. It is going to say to the coal industry in Pennsylvania, "We do not want to help you." If you remember the amendment I had placed into this bill back in April, it was a very flexible amendment. It did not say we were going to allow willy-nilly to have power plants built if they used Pennsylvania coal. They still were going to have to prove it was a necessary production of electricity, that it was necessary to supply the demands of the people who would be using that electricity. We did not say they could circumvent environmental law. We said very specifically that it had to meet environmental law. What we did say is, if you construct that plant in a manner and design it to burn Pennsylvania coal, during the process of your building that plant we will allow you to have that cost included in your rates. What in the name of heaven is so bad about that? It is ludicrous to think there is anything wrong with that.

I could go on and talk about excess capacity. I think we have all heard enough. I think we have heard this so many times in the last three or four months that some of us will probably hear it in our sleep. But, I say to you that if you want to help the consumers in your district, if you want to help Pennsylvania fifteen years from now, if you want to give Pennsylvania the ability to grow and continue to be one of the major energy producing states in this nation, then vote against this bill. It is not easy to vote against this type of legislation whenever the perception that has been generated by Penn PIC and a lot of other consumer groups that are really never interested in tomorrow, they are interested in yesterday and today sometimes, the interest and the perception they have generated for this piece of legislation makes it difficult to vote against it. You will not hear too many people stand up today and speak against it because it is not easy to do that, but I am telling you that if you take your responsibilities seriously about providing for the people we represent, you will vote "no." Two years or five years from now, or however long from now, you are going to be pleased with that vote.

I stood on this floor back in 1979 and 1980 and we talked about unemployment compensation reform. There were people in this Chamber who knew how serious that problem was and how difficult it was to vote to do some of the things that we did. Because of that action, in 1984 we were able to make further changes, and today, six short years later, we are not only moving in the right direction, but the responsible people who took that action have gone a long way toward solving a problem that many people thought would never be solved. That is the kind of vote this is today. It is not an easy vote, but voting "no" is the right vote, and I ask you to do that.

Senator ROCKS. Mr. President, I, too, rise in opposition to this report of the Committee of Conference dealing with the issue of the Public Utility Commission.

Mr. President, as telephones have rung this week, and I am sure all of ours have, and as the postcards have arrived and the editorial pages have cranked out their positions on this bill, I am a little bit reminded, in thinking of this issue, of a great chief, Running Deer. Great Chief Running Deer said to his braves taking off on a journey of many suns that they should have the eye of the eagle, they should have the instincts of the elk, they should have the direction of the crow, and it would not be a bad idea if they followed the interstate.

Mr. President, I am very supportive of any number of provisions in this bill. I think there are some very important, even critical, consumer issues that are addressed, and properly so, in this report of the Committee of Conference. I am supportive of the need for reform of the PUC. I think every person in this Senate has worked diligently on that. I would love to be able to cast a vote alone on the issue of five year terms and on increasing the salaries of Public Utility Commission members. But, Mr. President, there are two issues that I believe are so overwhelming in this bill. One is an issue for us alone as the Senate called advise and consent and a two-thirds majority, and the other my colleague from western Pennsylvania, the gentleman from Fayette, Senator Lincoln, has already alluded to, and it is excess capacity. I have debated that issue heretofore on this floor and will not take the time of the Senate to develop again all of those arguments, but I will attempt to capsule my very real concern, first, on excess capacity. I agree with the gentleman from Fayette, Senator Lincoln. Somewhere in our economic development plan the generation of power must factor into this state's future. The way this report of the Committee of Conference treats the issue of excess capacity I believe is so totally nonproductive to the future of Pennsylvania that I would be absolutely, from my perspective, irresponsible in supporting this legislation. I am convinced that somehow nuclear power is a part of our future, some percentage of the power that we generate in this state. It is that today and it is going to be in our future. For as long as we sit in on any policymaking decision, I guess we will be involved in the argument as to how much of the power generated will be nuclear.

In reading last Sunday's Philadelphia Inquirer, I was interested in the front page article that addresses in great detail the issue that our ozone, the protective layer of this planet, is, in fact, burning up, so much so that we are going to see the effects of that by the year 2000. We treat the year 2000 as if it is a very long way off. It is fourteen years from now. We are told that one of the principal components of our ozone layer burning up is the fact that we rely so heavily on phosphorus fuels. They produce sulfur and that in exchange is burning up the ozone, the protective layer in our atmosphere, and what, in fact, is happening is temperatures are getting higher, and we are told by the year 2000 that with the melting of ice caps, in fact, we are going to begin losing beach lines. I did not read that article over this weekend as being mythical, and I make

reference to it now because I am convinced that in this legislation with many meritorious parts to it there is far-reaching policy that we must be mindful of. The issue of excess capacity, as it is presented in this report of the Committee of Conference, to me is so prohibitive to the future generation of power in this Commonwealth that we do serious damage to ourselves at a time when we as a state in transition are struggling to map out for ourselves an economic development plan that fits our people and fits our Commonwealth. We must be, I think, a producer of energy. Pennsylvania has had that historically as a part of being in the economic lifeblood of this nation. We are in transition. We will never produce steel the way we did. As long as there is an oil glut, the production of coal is down and will stay down in this Commonwealth, and we have made decisions that have led us and our utility companies to the generation of nuclear power.

Mr. President, if you take the terms of excess capacity as defined in this bill in front of us, I would ask you to ask anyone in the investment community what their interest will be in the State of Pennsylvania, and no one is going to convince me that anyone from the critically important investment side of this question is going to be any more interested in the limitations we are putting on utility companies for the question of excess capacity as it is addressed here. We must allow some excess capacity in a way that power generators in this state can produce power, not just for us but I think beyond the borders of Pennsylvania. I will stand on that theory of economic development for Pennsylvania's future, and I think it is so critical that to ignore it in this legislation is really ignoring a part of what Pennsylvania's future must be.

Finally, the issue of the two-thirds majority, I guess we have kicked this around a few times. We have done it regarding members of the LCB and we are about to do it regarding members of the Game Commission, but this time I would ask you to think about the Public Utility Commission, that commission this Legislature created as its arm, as an agency of the Legislature. It is not in the Executive Branch of government, it is not in the Judicial Branch of government, that commission answers to this legislative Body, so much so that if you read our Constitution, you will see that the ratemaking decision constitutionally is here in the Legislature. I have no doubt that a part of our creation of a Public Utility Commission was to put the expertise in an arm of this Legislature in a commission that we today call the Public Utility Commission.

Mr. President, with that understanding of what this all-important commission is to this Commonwealth, to the consumer, the user of utilities, to those persons who generate power, the utilities themselves, I cannot believe that we would give up the function of a two-thirds vote in this Senate for the critical charge that we have under advise and consent. I as one Member of this Senate do not want to lose that, and I do not present that as a Minority argument, I would present it as a Majority argument, and I do not present it for myself. I would hope I make that argument for the next person and the next five persons who hold the Fourth Senatorial District seat in the State of Pennsylvania. It is a critical charge to us and we

walk away from our responsibility and a responsibility for the future Senates that will sit here judging what is going to happen with the all-important question of utility and utility rates. I think those two issues so overwhelm this report of the Committee of Conference. As I said earlier, there is much in this report that I support and would love to have the opportunity to do so today. I am not so naive as to know that this is an all-encompassing piece of reform legislation. I stand on some of the reform and I will support many of the consumer concerns that are addressed in here and properly so, but to do what we are doing to this state's future on the question of excess capacity, and for us as the Senate of this Commonwealth to dare give up our two-thirds vote for any future member of that Public Utility Commission, to me are two reasons that I will stand here and take any editorial criticism and look any consumer group in the eye or answer any telephone call or postcard I may get and say I believe this is so right to stand today on a negative vote that I would hope others will think about the impact of those two issues in this bill.

Senator STAUFFER. Mr. President, very briefly, I would be remiss if I did not pay special word to the work that was done by the Chairman of our Senate Committee on Consumer Protection and Professional Licensure, the gentleman from Delaware, Senator Bell, with regard to this piece of legislation. I think that irrespective of whether one is supportive of individual provisions of this bill or opposed to them, anyone who is a committee chairman or who has ever been a committee chairman and has shouldered that responsibility will recognize the tremendous amount of work that it takes when you are dealing with a major piece of legislation which by its nature is controversial and cannot be anything but controversial. Recognizing how time-consuming this issue was, the fact that probably there were more than fifty separate individual issues, all of which could have been very controversial and were controversial to begin with, and that our Chairman, the gentleman from Delaware, Senator Bell, was dedicated to the process to the point that he narrowed those issues to the fact that in the end there were only, perhaps, three or four that remained and the others were settled, I believe is almost a stroke of genius and I salute him for that tremendous piece of work and add, in addition, my thanks for the work of the gentleman from Allegheny, Senator Bodack, and the gentleman from Perry, Senator Moore, who supported and worked with him in bringing us to the point where today we are able to consider this piece of legislation.

Senator ZEMPRELLI. Mr. President, I also would want to join in commending the gentleman from Delaware, Senator Bell, and others who worked on this for their labors but, much like Mr. DeLorean, the product was not equal to the amount of work that was put into it, at least in my judgment. I, earlier, made a motion to have this bill recommitted and I ascribed as the reason for that recommitment the fact that the bill is seriously defective in my judgment if, in fact, it is being programmed as a pro-consumer bill. I do not say these as empty words, I would specifically refer to the language of the

bill and ask, if I might, anyone on that side of the aisle or of the committee if they will give me definition to certain concerns I have as to the language of the bill and how it would operate in order to have an intelligent discussion on what I speak. If I am incorrect in this assertion, I would like to be corrected.

It is my understanding that the trigger mechanism to bring into play any consideration of excess capacity is based upon an electric generating unit going on line for the first time. That is the element of placing in jeopardy a rate, whether or not there is excess capacity. If, in fact, a new generating facility does not go on line, then regardless of the amount of excess capacity, because that is the triggering denominator, no consideration by this legislation can, in fact, be considered in the rate process. That may not be true but it is how I read it, and I understand that the Public Utility Commission has the power in and of itself. I do not know why we do not understand that is where the whole thing rests in the first instance. But in any event, finding that an electric generating unit does go on for the first time, we find that a rebuttable presumption arises somewhere down the line that there is excess capacity. Then we find this rebuttable presumption to be qualified by words of art, one of which is economic benefits. I ask, economic benefits to whom? To the employees? To the company? To the country? To the consumer? To my neighbor? To your neighbor? The second is that the total cost of the plant during the test year is a measure. That is not sufficiently a definition because it goes on to say "...or within a reasonable period following the test year." Now that is a phrase of art— "... within a reasonable period following the test year." It assumes that somebody makes a determination as to what is reasonable. Then I say, is that not the very Public Utility Commission that is making the decision as to reasonableness that we pretend to say we have taken the power away from.

Mr. President, what I am suggesting is that there are so many words of art such as "reasonable period following the test year" and "a reasonable reserve margin," another phrase of art. How much does that mean? Who makes that determination? Have we really put any restrictions upon the Public Utility Commission as we would have others believe we have? I could go on and on. When we talk in terms of applicability, there is a provision in Section 19, Applicability, and it says and I quote, that this is to be "...applicable to all cases pending before the commission." Does that, in fact, mean the only cases that are to be considered by this legislation are those that are actively pending before the Public Utility Commission or does it embrace all situations in the future? Is it limited to those cases that are now pending or is it to embrace future situations? Mr. President, the only reason I call attention to those matters that are involved here in words or forms of art is to suggest, first of all, that the very thing we are trying to correct is back with the Public Utility Commission. They are the ones who are making these determinations. Secondly, I am not sure whether it really applies to anything more than cases that are presently pending before the Public Utility Commission.

I reiterate what I said in the first instance. If there is somebody in this Chamber who wishes to tell me what "reasonable reserve margin" means by definition, I would appreciate an answer. If somebody would tell me what "economic benefits" means by way of definition, I would certainly appreciate an answer or interpretation to that, and if somebody would tell me what is a reasonable period of time after the test year and how much that is in days, months, or whatever, I would certainly appreciate an answer to that also.

Mr. President, those are the reasons I requested that this bill go back to committee, be more specific and bring out a bill that applies to the situation. These remarks are to be joined with the previous remarks and the reason why I will oppose this legislation.

Senator FUMO. Mr. President, today we find ourselves poised again in either being for or against consumers, reform, or whatever the buzz words are at the time. I believe that my office has received many phone calls. Senior citizens groups say, "Vote for this bill, Senator. It is going to help us." Ask them how, and they do not know. Somebody told them it was a pro-consumer bill. The media reported it was a pro-consumer bill and, therefore, it becomes a pro-consumer bill in the minds of some people. But those types of stampede tactics and the rapidity with which this bill is attempting to be moved through the General Assembly indicates to me that there is something a lot more on the agenda than consumerism.

Mr. President, the speakers before me have discussed the importance of maintaining a two-thirds majority for confirmation so that we can obtain the most qualified and acceptable people for the commission. I join in those remarks. Speakers before me have discussed the ambiguities of the terms "reasonableness" and "economic benefits," and all those other cute little buzz words that are buried into page 35 of this forty page bill. I join with them in their concerns.

Mr. President, I think many of us are here today because somebody has convinced someone, and I guess some of our constituents, that if we vote for this bill, utility rates will come down. That is not going to happen. I am going to vote against this bill today. Also, for the next few years after this bill is in place and every time utility rates go up, I am going to remind this Chamber and those people who voted for this bill—because I think it is going to pass because of the tactics used—that they were conned by somebody because rates are going to go up, Mr. President. Not only are those rates going to go up, but for what purpose and for what benefit? I think we have to consider much more than just the fact that the words in this bill are ambiguous. We have to look behind what the meaning of that ambiguity is going to mean to consumers. When utility companies normally perform renovation projects—and in Philadelphia I am advised that Philadelphia Electric spends \$400 million to \$500 million a year, not on nuclear facilities, but on transmission lines, rehabing utility plants and all the other things that are necessary to keep the utility company going—what is going to happen to the costs of the funds necessary to carry on those projects? As was alluded to earlier by the gentleman from Philadelphia, Senator Rocks, my col-

league, the financial community is going to think twice, and they are going to think long and hard at Pennsylvania utility companies when they go to float bonds in the market for these projects, when they go to make loans from financial institutions. Even if the words in this bill come out to be what all these so-called pro-consumer people say they are, the fact they are so ambiguous is going to mean that the risk factor is going to increase for utilities in Pennsylvania. That means that interest rates are going to go up for utilities. And guess what that means? Even under this bill, utility rates are going to go up for consumers to pay for the increased interest rates. Who makes on that? Wall Street bankers. Do we have a better utility system because of those rate increases? No. In fact, in the end we are mortgaging the future. Let us really get to the heart of the issue. I really think this bill is not about consumerism. It is really not about reform—because I hate that word anyway. That is what anybody thinks it will mean to help their cause at the time. I think it is pro or anti-nuclear power, because this bill is designed to go after Limerick 2. I think the debate on Limerick 2 or any other nuclear facility belongs in Washington with the Nuclear Regulatory Commission. If, in fact, nuclear power is dangerous, let someone make that determination and let us say it across the board. But let us not go through the process of harming every other utility generating plant in Pennsylvania and jeopardizing the future of energy in this state, because there are some who do not like nuclear power. For the benefit of those who are locked into that issue, whether they are willing to say it publicly or not, let us take a look at the ogre on this one—Philadelphia Electric. Philadelphia Electric generates only 34 percent of its power through nuclear energy and 19 percent is generated in oil-fired generating plants, 17 percent is generated by coal and 15 percent is generated by hydro-electric and 15 percent by combustion turbine. What is going to happen in the City of Philadelphia, for example, where we have some generating plants that were built back in the 1930's that have to be renovated? What is going to happen to those plants? They are not going to be renovated, they are not going to be rebuilt and in the end what is going to happen to power in Philadelphia? It is going to become more costly.

Also, Mr. President, I know that the bill talks about for the very first time—I know that is the argument on page 35—excess capacity costs. But, there again, what does that mean, for the very first time? Does that mean the very first time a brick was laid in place when the building was built? Might it not mean, however, that it is the very first time that the retrofitted utility plant was turned on, the plant that gave us service before that needs repair? If you read this document through to its logical conclusion, you could never rehab a generating plant unless it is going to have an economic benefit. Now what does that mean again? I think there are consumers out there who were told that means you cannot fix that plant unless their rates are going to go down. That is like telling the Ford Company, “Don't you dare touch Henry Ford's assembly line. Don't you dare go with robotics if the cost of the car is going to go up, because you are not allowed to do that.”

That is what we are talking about, this kind of nonsense. I submit today, Mr. President, that it is going to take a lot of courage for people to vote “no,” given the stampede and given the fact that the media has been brought into this along with everybody else. I, for one, am going to vote “no” because I am not convinced that this is the best we could get. In fact, it is pretty horrible on those issues, and on other issues it is great. It allows consumers to have some input in the hearings. It says you cannot put advertising into the base, and no more country clubs. They are all great things. But in the end, Mr. President, what this does is result in higher utility rates. I know when the bill is signed there will be a big fanfare about utility rates, but mark my words, I am coming back every time there is a rate increase. There are going to be higher utility rates throughout the Commonwealth, we are not going to be able to generate the power we need to attract industry into the Commonwealth, and in the end, God knows what is going to happen to the PUC when you dilute the ability and the responsibility of this Chamber to have a two-thirds confirmation process.

One last thing, Mr. President, my colleague, the gentleman from Philadelphia, Senator Rocks, talked about the Game Commission and how it now has two-thirds and we are going to be asked to recede from that. I am willing to bet that we will not do that because there are people in this state who think it is more important to have input into the Game Commission which is worried about deer than they are into the consumer issues of the PUC.

Mr. President, I urge a negative vote for all the reasons that have been set forth. I urge a negative vote so that we can act realistically, plan for the future, and recognize that in the end this bill will probably cause rates to rise even faster and higher than they currently are going now, simply because of the interest cost on the debt.

Senator ANDREZESKI. Mr. President, I was glad to see so many able speakers get up and speak on this issue. Last night while attending a function, on three separate occasions I had utility lobbyists come up and ask me if I was going to give them a “yes” vote on their issue that was on the floor today. Then I came on the floor today and heard all these speakers say it was a consumer issue. I thought it is nice to know the utility lobbyists are now working for the consumers.

On this issue, I would like to place into the record that I think we could probably go with the PUC Sunset bill which was the basic bill that said you need a quorum to have a meeting and you should probably get together four times a year to decide issues. I do not think that would make any difference one way or another on how high or how low our interest rates are. On the content of the bill itself, I think the true measure is not the content of the bill and what restriction for this group and what plus or advantage for that group we place in the bill, the fact is the utility rates are decided by individuals who are appointed by the Governor, and the people who are appointed have decided to keep raising the rates, for a variety of reasons, whether you want to believe them or not. The fact of the matter is, Mr. President, we now are consider-

ing a PUC Sunset bill and we have a lot of speakers speaking about this factor and that factor on the bill, but the plain fact of the matter is that you have very, very high utility costs and those are not being addressed. Those are not being brought down. For those speakers who wanted to speak about providing power and attracting industry, you are not going to attract them. In fact, people are leaving because they cannot pay the power costs. For those who want to talk about all the consumerism that is in this bill, the fact of the matter is, Mr. President, it had to go to a Committee of Conference after it got Christmas treed up here in the Senate to bring about any evenness for people who have to pay the bills. The fact of the matter is with this bill, although we have given the consumer some nice things in here and these are things that should have been in here and these are things that could be in here in a lot stronger language, I think the consumers are being told, "Look at what we have done for you." But, what have we done? The rate cases are still going to come up and the rate cases are still going to be heard by the members of the Public Utility Commission and, inevitably, the rates are going to be raised. So, for all of our rhetoric and all of our meetings and all of the things we have done on this bill, I think we have to look back to the fact that when the Governor appoints a panel of consumers to the Public Utility Commission, you will see a panel of people, no matter what the bill is, who will react to consumers in Pennsylvania no matter what might be or how many different sections we put into a Sunset bill.

I would also like to react to the fact that we now do not have to worry about some of these issues coming to light if we only have a majority vote. We do not have to have the embarrassment of saying is this person pro-consumer or pro-utility or what utility company did this person work for last year. We can save that embarrassment by making sure we always have a majority vote.

In conclusion, Mr. President, I find it unusual that last evening I would be talking to the representatives of the utilities asking me to vote for their bill and come in here today and find out that we should vote for this because it is a good consumer bill. I think somewhere something got lost in the translation, and I think the final translation, Mr. President, is to have the Governor in this state appoint consumers to the Public Utility Commission who will represent and speak up and not vote for the high rate increases which have driven business out of this state.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

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

Senator FUMO. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, is the gentleman indicating that if I vote "yes" on this bill, my electric rates will go up?

Senator FUMO. I am indicating to the gentleman, Mr. President, that if he votes "yes" for this bill under the suspicion that his rates will go down, he is making a drastic mistake.

Senator BRIGHTBILL. Mr. President, is the gentleman then indicating that if I vote "no," my rates will go down?

Senator FUMO. I am not, Mr. President. I am indicating that this bill, if anything, will probably result in an increase in rates, but I think it has been sold as a decrease in rates. I think rates are going to go up one way or the other. The question is how far and how fast and for what purpose and what will be the benefit to the consumer in the end. Where will the money go? Will it go into new plant equipment or will it go to the financial people on Wall Street? If he votes for the bill, it will go to the financial people on Wall Street.

Senator BRIGHTBILL. Mr. President, I was perplexed as to how to vote on this bill. I have studied the bill and I have studied the issues and I have decided to vote "yes." Perhaps a story I have learned or an old farmer I talked to would, perhaps, give me the best guidance in this case. This old farmer told me that in 1964 he was plowing his field when a city boy came up driving a big car, stopped by his fence and called him over to the side. The city boy said to him, "Mr. Farmer, are you thinking about voting for Barry Goldwater?"

The farmer said, "I do not know."

He said, "Let me tell you this. If you vote for Barry Goldwater, you are going to see an escalation of the war in Vietnam, you are going to see bombing in Hanoi."

The old farmer said, "You know, I did not believe that city boy. I voted for Senator Goldwater and that is exactly what happened."

I guess my point, Mr. President, is just simply this, that to stand on this floor and say if you vote for this bill, electric rates are going to go up is certainly not going to be a prophetic act. I think we are going to see electric rates go up, and I think if anyone stood on this floor and said if you voted against this bill rates would go down, I think we would all know we would be a little bit foolish. I think rates are going to go up and I think the people who have worked on this bill—the conferees, the chairman of the committee, the people in the House—have all tried to form and create a bill that will give us as much of a benefit as possible. We are all consumers, whether it is mom and pop with their electric bill, whether it is the business community, no matter who it is. My utilities tell me this bill has no direct economic impact on them as utilities. That means very simply that this bill is not going to drive up costs and that this bill is doing about what can be done. Mr. President, I urge a "yes" vote.

Senator KELLEY. Mr. President, I was concerned that no one has made mention of page 23, Section 521 of the bill which deals with expense reduction programs. I often wonder about ourselves always imposing such unobtainable standards upon others when we say "shall" as opposed to "may." We are mandating upon the Public Utility Commission in this case that they will "...establish an expense reduction program for calendar year 1986 for all electric and gas utilities with total annual intrastate operating revenues of at least \$40,000,000 and for all telephone utilities...at least \$9,000,000." I often wonder where our reasoning is and

where our sights and eyes are whenever we, halfway through the Calendar year of 1986, say we are going to impose a responsibility upon the Public Utility Commission to do the insurmountable task. They have to establish an expense reduction program for the Calendar year 1986. It seems very unreasonable. I wonder, even with all due respect to the gentleman from Delaware and the gentleman from Allegheny who worked very well together, and all of those on the staff, the other Body as well, who have been noted and commended today, and I join that, but no piece of legislation is perfect but this seems to be such an obvious type of insurmountable task, if there are not other areas of concern.

I refer back to page 35, line 1, definitions, where it talks about the definition of excess energy costs. I say well, I remember and I know the Philadelphia Electric Company has a hydroelectric generation facility, if not one they have two on the Susquehanna River, and you measure that by taking away the fuel costs equal to generate that amount of energy but what is the fuel cost in a hydroelectric facility? There is none. I am not so sure I understand, even though I have tried to comprehend the magnitude and the impact of this. I do not know if I agree with everybody in the past who has said that it is going to be a populous vote to vote in favor of this because it seems to be some form of reform. I do not know, with all the things that have been said about this bill today, that one can say it is constructive or positive reform. It is very obvious that the effects of this bill do not equally affect all the public utilities in this Commonwealth with a sense of equity and, therefore, the people in this Commonwealth will be affected by this bill inequitably. I do not know if that is good legislation, but my instincts tell me it is not.

Mr. President, since we have time remaining in the year before Sunset takes effect, I do not believe this is the quality and the kind of a bill that would reflect our kind of work for our constituents. The fact is we are doing far less the caliber of job here than we will be expecting from the utilities themselves, and I think individual constituents should expect more from us.

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—31

Andrezski	Greenleaf	Lewis	Rhoades
Armstrong	Helfrick	Loeper	Salvatore
Bell	Hess	Lynch	Shumaker
Bodack	Holl	Mellow	Singel
Brightbill	Hopper	Moore	Stauffer
Corman	Jones	O'Pake	Tilghman
Early	Jubelirer	Pecora	Wenger
Fisher	Lenmond	Reibman	

NAYS—16

Fumo	Madigan	Romanelli	Stapleton
Kelley	Musto	Ross	Stout
Kratzer	Peterson	Scanlon	Wilt
Lincoln	Rocks	Shaffer	Zemprelli

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 155 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL LAID ON THE TABLE

SB 408 (Pr. No. 2187) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in civil actions involving bad checks; and further providing for exceptions to sovereign immunity.

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

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 642 (Pr. No. 2265) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1986 (P. L. 75, No. 25), entitled "An act providing for grants to persons for property damaged or destroyed by tornado or flood; establishing the basis for the grants; and making an appropriation," extending the provisions of this act to certain disasters occurring in calendar years 1984 and 1986; providing a moratorium on certain assessments; and making appropriations to the Governor and the Pennsylvania Emergency Management Agency for disaster relief and for allocations to various municipalities in Westmoreland, Somerset and Fayette Counties for reimbursement for flood damages.

Senator STAUFFER. Mr. President, I move the Senate do not concur in the amendments made by the House to Senate Bill No. 642, 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.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 447 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 2554 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

NONPREFERRED APPROPRIATION BILLS
RECOMMITTED

HB 2514 (Pr. No. 3521) — The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2515 (Pr. No. 3522) — The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2520 (Pr. No. 3527) — The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2528 (Pr. No. 3535) — The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2530 (Pr. No. 3537) — The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2547 (Pr. No. 3554) — The Senate proceeded to consideration of the bill, entitled:

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

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

BILL ON THIRD CONSIDERATION AMENDED
AND OVER IN ORDER TEMPORARILY

HB 146 (Pr. No. 3690) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

STAUFFER AMENDMENT OFFERED

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

Amend Sec. 4 (Sec. 1102-C.5), page 16, line 15, by inserting after "CHANGES": , including changes made prior to July 1, 1986,

On the question,

Will the Senate agree to the amendment?

AMENDMENT WITHDRAWN

Senator STAUFFER. Mr. President, I withdraw the amendment that I had offered.

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Ross, Senator Scanlon, Senator Fumo and Senator Romanelli.

The PRESIDENT pro tempore. Senator Lincoln requests temporary Capitol leaves for Senator Ross, Senator Scanlon, Senator Fumo and Senator Romanelli. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Will the Senate agree to the bill on third consideration?

SHAFFER-STAPLETON AMENDMENT

Senator SHAFFER, on behalf of himself and Senator STAPLETON, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 1101-C), page 7, line 12, by striking out "1106-C" and inserting: 1102-C.5

Amend Sec. 4 (Sec. 1102-C.3), page 15, by inserting between lines 28 and 29:

(22) Leases for the production or extraction of coal, oil, natural gas or minerals and assignments thereof.

On the question,

Will the Senate agree to the amendment?

Senator STAPLETON. Mr. President, for the record, the gentleman from Butler, Senator Shaffer, and I offer this amendment to make it perfectly clear to exempt the realty transfer tax on all oil, gas and coal leases developed and undeveloped. These leases have not been taxed in the past and should certainly not be taxed in the future. As one of the Senators, along with a number of others, representing areas of the Commonwealth rich in oil, coal and natural gas, I realize what the impact of this particular amendment has and support it strongly. However, Mr. President, in talking to our legal staff in the last few minutes, possibly we will have to amend another section for further clarification on Monday.

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?

LEWIS AMENDMENT

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

Amend Sec. 1 (Sec. 1101-C), page 9, by inserting between lines 6 and 7:

“Taxable lease.”

(1) Any ground lease for a term of thirty years or more.

(2) A leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty years or more provided that such lease or occupancy agreement affects more than fifty percent of the leasehold premises.

(3) “Taxable lease” shall not include:

(i) The lease of property to a seller by the purchaser as part of a single transaction in which title to real estate was transferred by the seller to the purchaser.

(ii) The assignment of a lease or leasehold estate to a purchaser of the leasehold premises if such assignment is pursuant to the sale of the leasehold premises subject to the lease or the leasehold estate.

Amend Sec. 1 (Sec. 1101-C), page 9, lines 16 through 20, by striking out “OR PERPETUAL LEASEHOLD,” in line 16, all of lines 17 through 20 and inserting: , perpetual leasehold or taxable lease.

Amend Sec. 6 (Sec. 1103-C.1), page 18, line 11, by removing the period after “ESTABLISHED” and inserting: pursuant to a specific mathematical formula. It shall not be presumed that a right or option to renew or extend a lease will be exercised if the method established for calculating the rental charge is based upon fair market value at the time of exercise.

Amend Sec. 14, page 28, lines 8 through 10, by striking out “, ACCEPTED OR PRESENTED FOR” in line 8, all of lines 9 and 10 and inserting: or accepted subsequent to June 30, 1986, and to documents presented for recording subsequent to June 30, 1986, except that the tax shall not apply to those documents presented for recording prior to July 1, 1987, provided such documents were made, executed, delivered or accepted pursuant to a binding contract entered before July 1, 1986.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 146 will go over in its order, as amended.

Senator STAUFFER. Mr. President, the amendment I had withdrawn to House Bill No. 146, I intended to withdraw temporarily. I may want to reoffer it.

The PRESIDENT pro tempore. The Chair reverses itself. House Bill No. 146 will go over temporarily, as amended.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 260 (Pr. No. 3740) — The Senate proceeded to consideration of the bill, entitled:

An Act proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; creating a judicial council; and further providing for the supervision of the practice of law, for financial disclosure, for budgeting and for the financial affairs of the 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?

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

YEAS—48

Table listing names of Senators who voted 'Yeas' (48 total): Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Kelley, Kratzer, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Moore, Musto, O'Pake, Pecora, Peterson, Reibman, Rhoades, Rocks, Romanelli, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Singel, Stapleton, Stauffer, Stout, Tilghman, Wenger, Williams, Wilt, Zemprelli.

NAYS—0

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

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

HB 799 (Pr. No. 1710) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), referred to as the “Municipal Claim and Tax Lien Law,” further providing for redemption in counties of the second class.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—48

Table listing names of Senators who voted 'Yeas' (48 total): Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Kelley, Kratzer, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Moore, Musto, O'Pake, Pecora, Peterson, Reibman, Rhoades, Rocks, Romanelli, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Singel, Stapleton, Stauffer, Stout, Tilghman, Wenger, Williams, Wilt, Zemprelli.

NAYS—0

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

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

BILL OVER IN ORDER

SB 1110 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

HB 1160 (Pr. No. 3492) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) for the disposition of dependent children.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 3, by removing the period after "children" and inserting: ; providing a standard of negligence for volunteer firefighters.

Amend Bill, page 6, by inserting between lines 8 and 9:

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

§ 8332.3. Volunteer firefighter negligence standard.

(a) General rule.—No person who serves without compensation, other than reimbursement for actual expenses, as a volunteer firefighter shall be liable for any civil damages as a result of any acts or omissions relating solely to the performance of his duties as a firefighter unless the conduct of the person falls substantially below the standards generally practiced and accepted in like circumstances by similar persons performing the same or similar duties and unless it is shown that the person did an act or omitted the doing of an act which the person was under a recognized duty to another to do, knowing or having reason to know that the act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of the person fell below ordinary standards of care.

(b) Exceptions.—Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, or any person not covered by any standard of negligence established by this section.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 1562 and 1565 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1644 (Pr. No. 3302) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedures for murder of the first degree.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Table with 4 columns of names: Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Kelley, Kratzer, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Moore, Musto, O'Pake, Pecora, Peterson, Reibman, Rhoades, Rocks, Romanelli, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Singel, Stapleton, Stauffer, Stout, Tilghman, Wenger, Williams, Wilt, Zemprelli

NAYS—0

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

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

HB 1790 (Pr. No. 3697) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 12, 1972 (P. L. 762, No. 180), referred to as the "Intergovernmental Cooperation Law," providing for additional rights and powers.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Table with 4 columns of names: Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Kelley, Kratzer, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Moore, Musto, O'Pake, Pecora, Peterson, Reibman, Rhoades, Rocks, Romanelli, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Singel, Stapleton, Stauffer, Stout, Tilghman, Wenger, Williams, Wilt, Zemprelli

NAYS—0

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

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

BILLS OVER IN ORDER

HB 2098 and 2099 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2180 (Pr. No. 2982) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), known as the "Banking Code of 1965," providing for the conversion of associations into savings banks.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS

DAUGHTERS OF SENATOR ROBERT J.
MELLOW PRESENTED TO SENATE

The PRESIDENT pro tempore. We have some special guests here today whom Senator Zemprelli will introduce. I would ask the Members of the Senate to please take their seats for this very special introduction.

Senator ZEMPRELLI. Mr. President, it is a proud pleasure for me to join in your remark in identifying that which I am about to do as a very special occasion. We have with us today two very lovely young ladies who are the children of our colleague, Senator Mellow. I would like to introduce them to the Members of the Senate and the people in the gallery. First we have Melissa, and the only reason I am introducing her first is because she is the older of the two. Will Melissa rise please and be identified.

(Applause.)

Senator ZEMPRELLI. Mr. President, I am not mispronouncing the second name. It is not Theresa, it is Tressa. Tressa is a seven-year-old and she is the younger daughter of Senator Mellow, and that is the whole family.

(Applause.)

The PRESIDENT pro tempore. Thank you, Senator Zemprelli. The Chair is delighted to welcome these two lovely ladies, who certainly have the benefit in life of looking like their mother.

Senator ZEMPRELLI. Mr. President, in this last week before adjournment there are so few pleasant things to do that I took extra pleasure in making those recognitions.

The PRESIDENT pro tempore. It is a pleasure, there is no question about it. The Chair thanks Senator Zemprelli. Senator Mellow, we all share your pride.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION

SB 562 (Pr. No. 2279) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), entitled "Dog Law," requiring that dogs be vaccinated against rabies as a condition for licensure; authorizing the department to establish antirabies clinics; and making an appropriation.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION AMENDED

HB 35 (Pr. No. 3695) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," providing for refunds for errors in assessments.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 11, by removing the period after "assessments" and inserting: ; and further providing for appeals of assessments.

Amend Sec. 2 (Sec. 511), page 2, line 18, by inserting a bracket before "THE" where it appears the first time

Amend Sec. 2 (Sec. 511), page 2, line 19, by inserting a bracket after "QUESTION." and inserting immediately thereafter: The market value as of the date such appeal was filed before the county commissioners, acting as a board of revision of taxes, or the board for the assessment and revision of taxes.

Amend Sec. 2 (Sec. 511), page 2, line 20, by striking out "FOR THE TAX YEAR IN QUESTION" and inserting: published by the State Tax Equalization Board on or before July 1 of the year prior to the tax year being appealed to the county commissioners,

acting as a board of revision of taxes, or the board for the assessment and revision of taxes

Amend Sec. 2 (Sec. 511), page 2, line 23, by inserting brackets before and after "CURRENT"

Amend Sec. 2 (Sec. 511), page 2, lines 23 and 24, by inserting brackets before and after "FOR THE TAX YEAR IN QUESTION"

Amend Sec. 2 (Sec. 511), page 2, line 25, by inserting after "RATIO" where it appears the second time: published by the State Tax Equalization Board on or before July 1 of the year prior to the tax year being appealed to the county commissioners, acting as a board of revision of taxes, or the board for the assessment and revision of taxes

Amend Sec. 2 (Sec. 511), page 2, line 29, by inserting brackets before and after "THE" where it appears the second time and inserting immediately thereafter: that same

Amend Sec. 2 (Sec. 511), page 2, line 30, by striking out "FOR THE TAX YEAR IN QUESTION"

Amend Sec. 2 (Sec. 511), page 2, line 30, by inserting brackets before and after "CURRENT"

Amend Sec. 2 (Sec. 511), page 3, line 1, by inserting brackets before and after "FOR THE TAX YEAR IN QUESTION"

Amend Sec. 3 (Sec. 518.2), page 3, line 7, by inserting a bracket before "THE" where it appears the first time

Amend Sec. 3 (Sec. 518.2), page 3, line 8, by inserting a bracket after "QUESTION" and inserting immediately thereafter: The market value as of the date such appeal was filed before the county commissioners, acting as a board of revision of taxes, or the board for the assessment and revision of taxes.

Amend Sec. 3 (Sec. 518.2), page 3, line 9, by striking out "FOR THE TAX YEAR IN QUESTION" and inserting: which was applicable in the original appeal to the county commissioners, acting as a board of revision of taxes, or the board for the assessment and revision of taxes

Amend Sec. 3 (Sec. 518.2), page 3, line 10, by inserting brackets before and after "CURRENT"

Amend Sec. 3 (Sec. 518.2), page 3, line 11, by inserting brackets before and after "FOR THE TAX YEAR IN QUESTION"

Amend Sec. 3 (Sec. 518.2), page 3, line 13, by inserting after "RATIO": which was applicable in the original appeal to the county commissioners, acting as a board of revision of taxes, or the board for the assessment and revision of taxes

Amend Sec. 3 (Sec. 518.2), page 3, line 15, by inserting brackets before and after "THE" where it appears the second time and inserting immediately thereafter: that same

Amend Sec. 3 (Sec. 518.2), page 3, line 15, by striking out "FOR THE TAX YEAR IN QUESTION"

Amend Sec. 3 (Sec. 518.2), page 3, line 16, by inserting brackets before and after "CURRENT"

Amend Sec. 3 (Sec. 518.2), page 3, lines 16 and 17, by inserting brackets before and after "FOR THE TAX YEAR IN QUESTION"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

HB 36 (Pr. No. 3696) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the "Third Class County Assessment Board Law," further providing for election rolls; and providing for refunds for errors in assessments.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 16, by striking out "ELECTION ROLLS" and inserting: appeals of assessments

Amend Sec. 1 (Sec. 8), page 2, line 4, by inserting brackets before and after "THE CURRENT MARKET VALUE FOR THE TAX YEAR IN QUESTION." and inserting immediately thereafter: The market value as of the date such appeal was filed before the board.

Amend Sec. 1 (Sec. 8), page 2, line 5, by striking out "FOR THE TAX YEAR IN QUESTION" and inserting: published by the State Tax Equalization Board on or before July 1 of the year prior to the tax year on appeal before the board

Amend Sec. 1 (Sec. 8), page 2, line 6, by inserting brackets before and after "CURRENT"

Amend Sec. 1 (Sec. 8), page 2, line 7, by inserting brackets before and after "FOR THE TAX YEAR IN QUESTION"

Amend Sec. 1 (Sec. 8), page 2, line 9, by inserting after "RATIO": published by the State Tax Equalization Board on or before July 1 of the year prior to the tax year on appeal before the board

Amend Sec. 1 (Sec. 8), page 2, line 11, by inserting brackets before and after "THE" where it appears the first time and inserting immediately thereafter: that same

Amend Sec. 1 (Sec. 8), page 2, line 11, by striking out "FOR THE TAX YEAR IN QUESTION"

Amend Sec. 1 (Sec. 8), page 2, line 12, by inserting brackets before and after "CURRENT"

Amend Sec. 1 (Sec. 8), page 2, lines 12 and 13, by inserting brackets before and after "FOR THE TAX YEAR IN QUESTION"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL OVER IN ORDER

HB 84 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

SB 223 (Pr. No. 1950) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 30, 1811 (P. L. 145, No. 99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," authorizing deferred compensation programs for State employees.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 5, by removing the period after "employees" and inserting: ; and providing procedures for the establishment and administration of deferral compensation programs for officers and employees of the Commonwealths and political subdivisions.

Amend Sec. 2 (Sec. VIII.2), page 7, line 22, by striking out "OR" where it appears the second time and inserting: of

Amend Sec. 2 (Sec. VIII.2), page 8, line 16, by inserting after "SUBDIVISION": officer

Amend Sec. 2 (Sec. VIII.2), page 8, line 29, by inserting a comma after "PLAN"

Amend Sec. 2 (Sec. VIII.2), page 9, line 7, by inserting after "SUBDIVISION": officer

Amend Sec. 2 (Sec. VIII.2), page 9, line 9, by inserting after "SUCH": officer or

Amend Sec. 2 (Sec. VIII.2), page 9, line 28, by inserting after "OF": officers and

Amend Sec. 2 (Sec. VIII.2), page 10, line 1, by inserting after "BY": the officers and

Amend Sec. 2 (Sec. VIII.2), page 10, line 28, by inserting after "ITS": officers and

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILLS OVER IN ORDER

SB 366, HB 490, 491 and 543 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS ON SECOND CONSIDERATION

SB 734 (Pr. No. 2273) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for appraisals of jewelry.

Considered the second time and agreed to,

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

SB 838 (Pr. No. 2243) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the treatment of dangerous juvenile offenders.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1218 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON SECOND CONSIDERATION

SB 1280 (Pr. No. 2288) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for affidavit of noninvolvement for construction design professionals.

Considered the second time and agreed to,

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

HB 1306 (Pr. No. 3711) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing for wine-based and malt-based beverages; and exempting ceramic commemorative bottle collections from certain provisions of this act.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1362 and SB 1371 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

HB 1375 (Pr. No. 3773) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1984 (P. L. 1140, No. 223), entitled "Oil and Gas Act," changing the definition of "owner"; further defining "well operator"; further providing for the definition of "alteration" and for permit objections and bonding requirements; adding provisions relating to solid waste; and making a repeal.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator WILT offered the following amendment:

Amend Sec. 1 (Sec. 215), page 8, lines 15 and 16, by striking out "(I.E., AN APPLICANT WHO IS A NATURAL PERSON DOING BUSINESS UNDER HIS OWN NAME)"

Amend Sec. 1 (Sec. 215), page 9, line 10, by inserting after "THEREUNDER.": For the purposes of this subsection an "individual" is defined as an applicant who is a natural person doing business under his own name.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

Amend Title, page 1, line 17, by inserting after "DEFINING": "well" and

Amend Title, page 1, line 19, by inserting after "OBJECTIONS": , well permits

Amend Sec. 1, page 1, line 23, by striking out "'OWNER'" and inserting: "owner," "well"

Amend Sec. 1, page 1, line 24, by striking out "SECTIONS" and inserting: sections 201(a),

Amend Sec. 1 (Sec. 103), page 3, by inserting between lines 2 and 3:

"Well." A bore hole drilled or being drilled for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such. The term "well" does not include a borehole drilled or being drilled for the purpose of or to be used for systems of monitoring, producing or extracting gas from solid waste disposal facilities, as long as the wells are subject to the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and do not penetrate a workable coal seam. The term also does not include a borehole drilled or being drilled for the purpose of or to be used for degasifying coal seams if the following conditions are satisfied:

(1) the borehole is used to vent methane to the outside atmosphere from an operating coal mine;

(2) the borehole is regulated as part of the mining permit pursuant to the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, and the act of November 30, 1971 (P.L.554, No.147), known as the Surface Mining Conservation and Reclamation Act;

(3) the borehole is drilled by the operator of the operating coal mine for the purpose of increased safety; or

(4) the bore hole is used to vent methane to the outside atmosphere pursuant to a State or Federal funded abandoned mine reclamation project.

Amend Sec. 1, page 3, by inserting between lines 11 and 12:

Section 201. Well permits.

(a) No person shall drill a well or alter any existing well, except for alterations which satisfy the requirements of subsection (j), without having first obtained a well permit pursuant to subsections (b), (c), (d) and (e). However, no person shall be required to obtain a permit to redrill a nonproducing well, if:

(1) the redrilling has been evaluated and approved as part of an order from the department authorizing the cleaning out and plugging or replugging of a nonproducing well, pursuant to section 13(c) of the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act; and

(2) the redrilling is incidental to the plugging or replugging operation and the well subsequently is plugged within 15 days of redrilling.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

It was agreed to.

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

BILLS ON SECOND CONSIDERATION

SB 1445 (Pr. No. 2238) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

SB 1484 (Pr. No. 2274) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 1986 (P. L. 2, No. 2), entitled "Acupuncture Registration Act," authorizing the registration of acupuncturists by the State Board of Osteopathic Medicine; and further providing for the supervision of acupuncturists by physicians.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AMENDED

SB 1514 (Pr. No. 2210) — The Senate proceeded to consideration of the bill, entitled:

An Act repealing section 3 of the act of December 21, 1984 (P. L. 1270, No. 241), entitled "An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further defining the term 'public utility';....," repealing sunset provisions relating to mobile domestic cellular radio telecommunications services.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 2, page 2, line 3, by striking out "in 60 days" and inserting: immediately

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL OVER IN ORDER

SB 1516 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1541 (Pr. No. 2264) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the signing of nomination petitions and the contents of certain nomination petitions.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 1621 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED AND REREFERRED

HB 1714 (Pr. No. 3300) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Acts," increasing the death benefits; and permitting a designee to receive benefits.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER. Mr. President, there is an amendment which has surfaced for House Bill No. 1714 which neither side had caucused on, but which is very important. Senator Madigan can explain it prior to it being offered if you will recognize him.

And the question recurring,

Will the Senate agree to the bill on second consideration?

Senator MADIGAN offered the following amendment:

Amend Bill, page 3, line 25, by striking out all of said line and inserting:

Section 2. This act shall be retroactive to January 1, 1986.

Section 3. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator MADIGAN. Mr. President, in committee we discussed making the bill retroactive to January 1st of this year. We felt this amendment should be in the bill before it went to the Committee on Appropriations for a fiscal note. The bill itself provides for an increase in the death benefits for firemen, ambulance and police personnel throughout the state. I believe it has the support of the committee Members and should be agreed to. I regret we did not have it for discussion in caucus.

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 second consideration, as amended?

Senator STAUFFER. Mr. President, I move that House Bill No. 1714 be rereferred to the Committee on Appropriations, as amended.

The motion was agreed to.

The PRESIDENT pro tempore. House Bill No. 1714 will be rereferred to the Committee on Appropriations, as amended.

RECONSIDERATION OF HB 260

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 260 (Pr. No. 3740) — Senator ZEMPRELLI. Mr. President, I move the Senate do now reconsider the vote by which House Bill No. 260, Printer's No. 3740, just passed finally.

The motion was agreed to.

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

NAYS—1

Fumo

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.

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

HB 1921 (Pr. No. 2783) — The Senate proceeded to consideration of the bill, entitled:

An Act empowering certain local taxing authorities to provide exemptions from taxation for certain improvements made to certain unimproved residential property.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 2001 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 2278 (Pr. No. 3712) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," relieving officers of club licensees from liability on account of damages inflicted upon third persons off the licensed premises by customers of the licensee, with certain limitations.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 2557 (Pr. No. 3633) — 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 for third consideration.

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

HB 2558 (Pr. No. 3565) — 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 for third consideration.

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

HB 146 CALLED UP

HB 146 (Pr. No. 3690) — Without objection, the bill which previously went over in its order temporarily, as amended, was called up, from page 3 of the Third Consideration Calendar, by Senator STAUFFER.

BILL OVER IN ORDER

HB 146 — Without objection, the bill, as amended, was passed over in its order at the request of Senator STAUFFER.

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator BRIGHTBILL called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

DISTRICT JUSTICE

June 25, 1986.

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 April 10, 1986 for the appointment of Charles P. Eyer, Esquire, R. D. 5, East Stroudsburg 18360, Monroe County, Twentieth Senatorial District, as District Justice in and for the County of Monroe, Magisterial District 43-4-01, to serve until the first Monday of January, 1988, vice Emanuel Scavone, 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.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

June 10, 1986.

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 Louis A. Orlando, 2207 Wilmington Road, New Castle 16105, Lawrence County, Twenty-first Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond the expiration of that period, vice Ralph R. Chase, Sr., Old Forge, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE CIVIL SERVICE COMMISSION

June 6, 1986.

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 Therese Lemelle Mitchell, 1817 Forster Street, Harrisburg 17103, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 1990, and until her successor is appointed and qualified, vice Ethel Barnett, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE NAVIGATION COMMISSION
FOR THE DELAWARE RIVER AND ITS
NAVIGABLE TRIBUTARIES

June 4, 1986.

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 Joseph Guilday, 19 Furness Lane, Wallingford 19086, Delaware County, Ninth Senatorial District, for appointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years, and until his successor is appointed and qualified, vice John M. Kenney, Esquire, Drexel Hill, deceased.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

June 4, 1986.

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 J. Nimmons, 1301 West Lehigh Avenue, Philadelphia 19132, Philadelphia County, Third Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Bart Cavanagh, Media, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA LABOR
RELATIONS BOARD

June 4, 1986.

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 L. Dennis Martire, 917 Parkview Drive, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1991, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA LABOR
RELATIONS BOARD

June 4, 1986.

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 Ralph F. Scalera, Esquire, 1080 River Road, Beaver 15009, Beaver County, Forty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES
OF MILLERSVILLE UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

June 4, 1986.

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 James H. Guerin, R. D. 7, Manheim 17545, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice Robert D. Garner, Lititz, resigned.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

June 6, 1986.

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 Eugene Smith, Jr., 124 Wilker Street, Aliquippa 15001, Beaver County, Forty-seventh Senatorial District, for reappointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1988, and until his successor shall be duly appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

June 6, 1986.

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 Anthony A. Minissale, D.O., 1934 Lafayette Road, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, vice Ben L. Agresti, D.O., Erie, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF PODIATRY

June 6, 1986.

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 Richard G. Stuempfle, D.P.M., 36 East Church Street, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

June 11, 1986.

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 Frank D. O'Reilly, Jr., 115 West Water Street, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

DISTRICT JUSTICE

June 4, 1986.

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 James B. Richard, 925 Rebecca Avenue, Pittsburgh 15221, Allegheny County, Thirty-eighth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-2-10, to serve until the first Monday of January, 1988, vice Eugene L. Raible, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS
REPORT FROM COMMITTEE

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

HB 2090 (Pr. No. 3837) (Amended)

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

POINT OF INFORMATION

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

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

Senator BODACK. Mr. President, it is my understanding that Senate Bill No. 1145 passed the House yesterday on a 190-0 vote. It is extremely important to the City of Pittsburgh. I have not heard that it cleared our desk. I wondered if there was a holdup, or can you tell me when it will clear our desk?

The PRESIDENT pro tempore. It just came down today. It is on the Secretary's desk. I am told it will be here tomorrow, so it will be available on the Calendar on Monday.

BILLS IN PLACE

Senator ANDREZESKI presented to the Chair several bills.

CONGRATULATORY RESOLUTIONS

HONORING STEVE CARLTON FOR HIS
ACHIEVEMENTS IN THE SPORT OF BASEBALL,
AND FOR HIS CONTRIBUTIONS TOWARD THE
SUCCESS OF THE PHILADELPHIA PHILLIES

Senator SALVATORE offered the following resolution which was read as follows:

In the Senate, June 26, 1986.

A RESOLUTION

Honoring Steve Carlton for his achievements in the sport of baseball, and for his contributions toward the success of the Philadelphia Phillies.

WHEREAS, Steve Carlton recently ended an outstanding pitching career with the Philadelphia Phillies, a career that spanned fourteen and one-half years; and

WHEREAS, Steve Carlton, whose major league baseball career began with the St. Louis Cardinals in 1965, is the only player in the history of the game to earn the coveted Cy Young Award four times; and

WHEREAS, His 318 major league victories as a pitcher places him 11th on the all-time win list, and second on the all-time list for left-handed pitchers; and

WHEREAS, Steve Carlton won 241 games while pitching for the Phillies, the most pitching victories in the history of franchise; and

WHEREAS, His 3,982 career major league strikeouts places him second in the all-time recordbooks; and

WHEREAS, He struck out 3,031 batters during his years as a Philly, also a club record; and

WHEREAS, Steve Carlton ranks 13th on the all-time major league shutout list, with 55; therefore be it

RESOLVED, That the Senate pay tribute to Steve Carlton by recognizing his accomplishments in baseball, and by thanking him for the pleasure he gave to baseball fans in Philadelphia; and be it further

RESOLVED, That copies of this resolution be presented to Steve Carlton and to the Philadelphia Phillies organization.

Senator SALVATORE asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION ADOPTED

Senator SALVATORE. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

Senator SALVATORE. Mr. President, I just want to add a few words. As a broken-down, left-handed pitcher myself, I am sorry to see Steve, who I happen to know, leave Philadelphia, and I would sincerely hope he would stay in Pennsylvania and go pitch for the Pirates and maybe win some games.

The PRESIDENT pro tempore. We could use him.

Senator SALVATORE. Yes, Mr. President, because he really is a great guy. A lot of people did not know him, because of the access to the media, but everybody who has been around him loves him. I hope, wish and pray that someone else will pick up Steve Carlton because it is a sad day for Philadelphia.

The PRESIDENT pro tempore. The Chair joins with the sponsor of the resolution, Senator Salvatore, in wishing this distinguished Pennsylvanian and great left-handed pitcher the very best.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

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

Congratulations of the Senate were extended to Kristin Noelle Young by Senator Bell.

Congratulations of the Senate were extended to David Walter by Senator Early.

Congratulations of the Senate were extended to Resco Products, Incorporated by Senator Fisher.

Congratulations of the Senate were extended to the Upper Perkiomen Valley Ambulance Association by Senator Holl.

Congratulations of the Senate were extended to Alfred L. Padula by Senator Loeper.

Congratulations of the Senate were extended to the Green-castle Rescue Hose Company No. 1, Incorporated by Senator Moore.

Congratulations of the Senate were extended to Philip Sarno by Senator Musto.

Congratulations of the Senate were extended to Maureen O'Toole and to Roger Gehman by Senator Pecora.

Congratulations of the Senate were extended to Father Edward John Stutz by Senator Peterson.

Congratulations of the Senate were extended to Anastacia Ney by Senator Rhoades.

Congratulations of the Senate were extended to Janice Moser by Senator Salvatore.

Congratulations of the Senate were extended to Arthur Daellenbaugh by Senator Ross.

Congratulations of the Senate were extended to Florence Lewis, Ruth Knies Sutton and to Helen Henderson by Senator Shaffer.

Congratulations of the Senate were extended to Margaret A. Wolfe, Mr. and Mrs. Robert C. L. Shumaker, Mr. and Mrs. James Syphrit, Mr. and Mrs. Wilbur Rhine, Mr. and Mrs. Arthur W. Blair and to Mr. and Mrs. Wilbur Shank by Senator Stapleton.

Congratulations of the Senate were extended to the Fort Cherry High School Baseball Team by Senator Stout.

Congratulations of the Senate were extended to the Home Products Division of Alumax Aluminum Corporation of Lancaster by Senator Wenger.

SENATE RESOLUTION

DESIGNATING AUGUST 1986 AS "POLISH AMERICAN HERITAGE MONTH" IN PENNSYLVANIA

Senators FISHER, SHAFFER, BELL, JUBELIRER, HOPPER, MADIGAN, WENGER, ARMSTRONG, PECORA, HELFRICK, PETERSON, RHOADES, HESS, BRIGHTBILL, LEMMOND, SHUMAKER, STAUFFER, LOEPER, KRATZER, CORMAN, WILT, SALVATORE, HOWARD, GREENLEAF, TILGHMAN and HOLL offered the following resolution (**Senate Resolution No. 181**), which was read, considered and adopted:

In the Senate, June 26, 1986.

A RESOLUTION

Designating August 1986 as "Polish American Heritage Month" in Pennsylvania.

WHEREAS, The history of Polish Americans is an inspiring part of our Nation's history and the history of Pennsylvania; and

WHEREAS, Two of the first Polish Americans were Tadeusz Kosciuszko and Kazimierz Pulaski, American Revolutionary War heroes; and

WHEREAS, Since then, millions of Polish Americans have fought to preserve the freedom that Kosciuszko and Pulaski helped secure; and

WHEREAS, Polish Americans have also made outstanding contributions in the arts and sciences, and in industry and agriculture; and

WHEREAS, The dedication of Polish Americans to the ideals of freedom and independence, which Kosciuszko and Pulaski fought for in America and which their worthy successors within the Solidarity movement are still struggling for in Poland, serves as a model for all Americans; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania designate August 1986 as "Polish American Heritage Month" in Pennsylvania.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 628, 1408, HB 792, 1337, 1553, 1735, 2090, 2100, 2101, 2103, 2104, 2118, 2325 and 2454.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, the reason I have been pretty quiet for the last three weeks is because I had a bad bronchial attack. I was supposed to be home in bed, but I was up here listening, voting and not talking. Maybe I ought to keep on having bronchitis for the rest of the year.

I would like to put something into the record, and that is the fact that on preparing the report of the Committee of Conference on the PUC bill and on the many, many public hearings that were held, both in the House and the Senate, my counterpart, Representative Laughlin, from the House and I worked very closely together. As a matter of fact, just last Tuesday or Wednesday, Representative Laughlin had a kidney stone attack in the Chamber, was taken from the Chamber and had the kidney stone extracted the hard way. On Wednesday afternoon he was back here when he should have been in a bed someplace, but he was here trying to get this report of the Committee of Conference together. Because of the bronchial attack, I asked the gentleman from Chester, Senator Stauffer, if he would back up and he did. We have worked with the staffs of the Minority and Majority. The gentleman from Allegheny, Senator Bodack, had his key person and I had my staff people. We had the staff people from both sides over in the House and we tried to produce a fair bill.

During the debate today someone raised a question as to where did we get this novel idea that is contained especially in excess capacity. It is no secret where it came from. The Pennsylvania Supreme Court in December 1985, in the Three Mile Island case, laid down certain guidelines. These were not the holdings of the case but were dicta.

I would like to, in my own words, because I do not have a prepared speech, give some idea of my interpretation of these guidelines with respect to electric utilities. One, the profits of electric utilities are not guaranteed to be paid by ratepayers.

Two, the PUC should take into account not only the equities of the stockholders of a utility but also the equities of the general public and should balance them. Three, the electric utilities of tomorrow must not be paid by the utility ratepayers of today unless the Legislature specifically states that it shall be done.

Then, Mr. President, there was some phraseology that stated that electric utility corporations are not to be treated differently than business corporations, and they should be no different as to guaranteeing profits than a normal business corporation. There is some talk in there that a utility could become bankrupt because they should be treated the same as business corporations. On the subject of bankruptcy, I have testified in front of the public utility administrative judge on this point because I, through my office in the Philadelphia Electric rate area, received and forwarded to the PUC—and they apparently disregarded them—petitions containing 25,064 bona fide names, but I was struck with the message in those petitions. We know when a corporation is bankrupt, it goes into receivership. How do we know when low income people are bankrupt? How do we know? A man and woman need food, shelter, heat and utilities, and when there are insufficient funds in that household to furnish one of those four critical items, that family is bankrupt. I have heard in the Philadelphia Electric area about people coming in and testifying that they have insufficient money to eat and stay warm. They either stay warm and starve or they eat and freeze. Today the PUC approved approximately a \$365 million increase after a massive increase a year or so ago, which amounts to a 15 percent increase on all of southeastern Pennsylvania, some three million people in this area. That 15 percent increase that was approved by a 2-1 vote today is going to make more of our businesses bankrupt because they have to pay energy bills. It is going to deny electricity to industrial customers in southeastern Pennsylvania who need it, and it is also going to drive more of my neighbors into bankruptcy as they have to pay these bills.

I also got this message at the public hearings I attended. As far as excess capacity, the average citizen in my neighborhood did not request this excess capacity of Limerick 1. They do not need it, because when it went on line there was already a 35 percent surplus of electricity in southeastern Pennsylvania available from the grid. They do not want to pay for it and they cannot afford to pay for it. As my good friend, the gentleman from Allegheny, Senator Zemprelli, always says, "The show is not over until the fat lady sings." The fat lady has not finally sung yet, because although two of three commissioners about 10:00 this morning socked it to my neighbors for the 15 percent electric increase, I have had since then discussions with the Consumer Advocate, and he is filing petitions for a re-hearing. God willing, if the Governor sees fit to sign this bill we passed today, maybe Philadelphia Electric will listen to the fat lady singing.

In closing, I would like to say this, nothing is perfect that we pass here, but as long as I am chairman of the committee with jurisdiction, we will welcome corrective legislation that

does a better job, a better job to meet the mission assigned to us by Sunset legislation to try to get something that is better for the health, safety and welfare of the people of Pennsylvania. I have told the utilities and I have told the PUC that the rendering of utility services in this Commonwealth is not the happy hunting ground of the utilities, it belongs to the people of Pennsylvania.

I will now conclude by repeating what I started. Charlie Wilson, Democratic staffer; Sue Shanaman, Republican staffer; Dick Posey, Republican staffer; and right down the line, to all those staffers of the House and Senate who worked on this bill, if there is any credit to be given, they deserve it, and if there is any blame to be given, I will take it.

ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Friday, June 27, 1986, at 11:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore. Do you want to tell the Members what we will be doing next week?

Senator STAUFFER. Yes, Mr. President. For the benefit of the Members listening in their offices, I would point out that there will be no roll call votes during tomorrow's Session. This is a Session to move bills and position them in relation to the budget process, so their attendance will not be necessary.

The PRESIDENT pro tempore. Will you tell us what time on Monday, Senator Stauffer?

Senator STAUFFER. Mr. President, I would expect that the Senate would reconvene at 1:00 p.m. on Monday.

The PRESIDENT pro tempore. Senator Stauffer has moved that the Senate do now adjourn until Friday, June 27, 1986, at 11:00 a.m., Eastern Daylight Saving Time. He has also indicated to the Members of the Senate that this will be a token Session to move bills up and that the next voting Session of the Senate will be Monday at 1:00 p.m.

The motion was agreed to.

The Senate adjourned at 6:15 p.m., Eastern Daylight Saving Time.