

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JULY 1, 1986

SESSION OF 1986 170TH OF THE GENERAL ASSEMBLY

No. 50

SENATE

TUESDAY, July 1, 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:

Father of all men, we are grateful that you allow us the privilege to debate, to argue and to seek the finances for the problems of this state. Help us today by granting wisdom and patience, honor and justice. Guide us in every way. 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 30, 1986.

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

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 655 and **1138**.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO **HB 209**, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 209**, and has appointed Messrs. MANDERINO, PIEVSKY and HAYES as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1451**, 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.

GENERAL COMMUNICATION

LISTS OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

July 1, 1986

To the Honorable, the Senate of the Commonwealth of Pennsylvania

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from June 1, 1986 through June 30, 1986 inclusive for the 170th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary of the Senate

JOHN J. ZUBECK
Chief Clerk
House of Representatives

(See Appendix for complete list.)

BILLS SIGNED

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

HB 2118, **2557** and **2558**.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator STAUFFER submitted the Report of Committee of Conference on **HB 383**, which was laid on the table.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator TILGHMAN submitted the Report of Committee of Conference on **SB 1416**, which was placed on the Calendar.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Shaffer.

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Kelley, Senator Lewis, Senator Rocks and Senator Zemprelli.

The PRESIDENT pro tempore. Senator Lincoln has requested temporary Capitol leaves for Senator Kelley, Senator Rocks, Senator Lewis and Senator Zemprelli. The Chair hears no objection. The leaves are granted.

CALENDAR

SB 1461 CALLED UP OUT OF ORDER

SB 1461 (Pr. No. 2316) — 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

SB 1461 (Pr. No. 2316) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Community Affairs to reimburse municipalities containing enterprise zones for a proportion of taxes exempted by the municipalities on improvements to deteriorated property located within enterprise zones under municipal tax exemption programs established pursuant to the Local Economic Revitalization Tax Assistance Act and further providing that the payments so received by municipalities shall be used for community development projects and neighborhood services within the enterprise zones in which taxes are exempted.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1461.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave for Senator Hopper.

The PRESIDENT pro tempore. Senator Stapleton has requested a temporary Capitol leave for Senator Williams, and Senator Loeper requests a temporary Capitol leave for Senator Hopper. The Chair hears no objection to either of the requests. The leaves will be granted.

ANNOUNCEMENT BY THE CHAIR

The PRESIDENT pro tempore. The Chair wishes to announce that each Member of the Senate has a copy of Senate Bill No. 1416 on the desk which is the GA Budget. I would request that the Members realize that with all the printing that has to be done today we cannot get extra copies for you today and if you give them away, you do so taking the risk that we may not be able to replace them for you for another day or two.

ANNOUNCEMENT BY MAJORITY LEADER

Senator STAUFFER. Mr. President, I think all the Members would be interested in a general idea of what today's schedule will be. I see some nods of heads. Maybe I can be helpful in that regard. Throughout the day, we are going to have periods of being in Session and periods of recess for the purpose of some of the Committees of Conference which still have to meet as well as getting printed reports from the Legislative Reference Bureau. Mr. President, it is my expectation that with the cooperation of the Members and a little understanding, we can finish by late this afternoon. I would think that probably 6:00 p.m. might be a good hour to shoot for.

CONSIDERATION OF CALENDAR RESUMED

SB 1462 CALLED UP OUT OF ORDER

SB 1462 (Pr. No. 2317) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

SB 1462 (Pr. No. 2317) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 29, 1967 (P. L. 636, No. 292), entitled "Neighborhood Assistance Act," further providing tax credits for investments made to rehabilitate, expand or improve buildings or land used by private companies which promote community and economic development.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1462.

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

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

YEAS—50

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

SB 1463 CALLED UP OUT OF ORDER

SB 1463 (Pr. No. 2318) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

SB 1463 (Pr. No. 2318) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of a fund, to be administered by the Department of Community Affairs, to reduce local matching requirements in economic and community development programs for financially disadvantaged municipalities; and providing a procedure for the operation of the fund.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1463.

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

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

YEAS—49

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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

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

SB 1466 CALLED UP OUT OF ORDER

SB 1466 (Pr. No. 2319) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

SB 1466 (Pr. No. 2319) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," providing for export assistance loans; and removing provisions relating to guidelines.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1466.

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

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

YEAS—49

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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

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

SB 1468 CALLED UP OUT OF ORDER

SB 1468 (Pr. No. 2320) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

SB 1468 (Pr. No. 2320) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a program within the Department of Commerce to provide assistance to communities experiencing economic distress by providing grants for the development of long-term economic recovery strategies.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1468.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator WILT, by unanimous consent, submitted the Report of Committee of Conference on **SB 293**, which was placed on the Calendar.

APPROVAL OF REGULATION

Senator BELL, by unanimous consent, from the Committee on Consumer Protection and Professional Licensure, reported the following regulation has been approved for submission to the Independent Regulatory Review Commission: State Board of Psychology Regulation 16A-146.

RECESS

Senator STAUFFER. Mr. President, at this time I request a recess of the Session. Among other things during the recess, there will be a Republican caucus to convene at 11:30 a.m. in the Majority caucus room.

The PRESIDENT pro tempore. Senator Stauffer has requested a recess for the purpose of a Republican caucus which will begin at 11:30 a.m.

Senator LINCOLN. Mr. President, I would request that the Members of the Democratic caucus be in the caucus room at 11:30 a.m. We will have a caucus in which the majority of the time will be spent on the Calendar for the day's Session and any other issues that the Members may want to have discussed.

The PRESIDENT pro tempore. Both Senator Stauffer and Senator Lincoln have asked that the Republican and Democratic Members of the Senate meet in their respective caucus rooms promptly at 11:30 a.m. and Senator Stauffer has requested a recess for those purposes. The Senate will stand in recess.

AFTER RECESS

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

ANNOUNCEMENT BY MAJORITY LEADER

Senator STAUFFER. Mr. President, for the benefit of the Members in their offices, I would hope they will pay attention. We have a very brief item of business that we must accomplish in order for a Committee of Conference to be able to meet. It will not be necessary for the Members to report to the floor at this time because we will be going right back into recess.

HOUSE MESSAGE**HOUSE NONCONCURS IN SENATE
AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurring in amendments made by the Senate to **HB 2596**.

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

SUPPLEMENTAL CALENDAR NO. 2**HB 2596 CALLED UP OUT OF ORDER**

HB 2596 (Pr. No. 3857) — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Bill which House has Nonconcurring in Senate Amendments, by Senator STAUFFER, as a Special Order of Business.

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE
TO HB 2596**

HB 2596 (Pr. No. 3857)— The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for an exclusion from the sales and use tax and for a reduction in the personal income tax and corporate net income tax rates and a change in the estimated tax limit; further providing for the realty transfer tax; adding an exemption to the capital stock-franchise tax definitions; reducing tentative tax payments for the capital stock-franchise tax; and providing for a job creation tax credit.

Senator STAUFFER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 2596, 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.

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 2596**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators TILGHMAN, STAUFFER and FUMO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 2596.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 642**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators TILGHMAN, STAUFFER and

LEWIS as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 642.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 1676**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators TILGHMAN, STAUFFER and EARLY as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 1676.

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

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committees of Conference to meet seriatim at 2:15 p.m. in the Majority caucus room to consider House Bill No. 1676, Senate Bill No. 774, Senate Bill No. 560, House Bill No. 2596, House Bill No. 209, House Bill No. 1832, Senate Bill No. 642 and Senate Bill No. 1277.

LEGISLATIVE LEAVE CANCELLED

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

RECESS

Senator STAUFFER. Mr. President, I request that the Senate be in recess to the call of the Chair.

The PRESIDENT pro tempore. The Senate will stand in recess to the call of the Chair.

AFTER RECESS

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

HOUSE MESSAGES**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 774, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 774**, and has appointed Messrs.

MANDERINO, PIEVSKY and MILLER as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 2596, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 2596**, and has appointed Messrs. MANDERINO, PIEVSKY and McCLATCHY as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

**HOUSE 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 384, 385, 2100, 2104, 2275, 2514, 2520, 2528, 2530 and 2547**.

**HOUSE NONCONCURS IN SENATE
AMENDMENTS TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 2103 and 2515**.

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

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 542 and 1414**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE ADOPTS REPORTS OF COMMITTEES
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **SB 1461, 1462, 1463, 1466 and 1468**.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Howard has been called from the floor and I would ask for a temporary Capitol leave on his behalf.

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

HB 2090 CALLED UP OUT OF ORDER

HB 2090 (Pr. No. 3869) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**PREFERRED APPROPRIATION BILL ON
THIRD CONSIDERATION AND FINAL PASSAGE**

HB 2090 (Pr. No. 3869) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Lewis. His temporary Capitol leave is cancelled.

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

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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 LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator Shaffer and Senator Hopper on the floor. Their temporary Capitol leaves will be cancelled.

SUPPLEMENTAL CALENDAR NO. 1

SB 1416 CALLED UP OUT OF ORDER

SB 1416 (Pr. No. 2323) — 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

SB 1416 (Pr. No. 2323) — The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986; to provide appropriations from the Lottery Fund and the Pennsylvania Economic Revitalization Fund to the Executive Department; and to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipts accounts for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986, and providing additional appropriations to the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 1985, to June 30, 1986.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1416.

On the question,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, I just want to say a few words on the GA bill. First of all, I want to thank my staff for the long hours they have put in during this process. I want to thank the gentleman from Fayette, Senator Lincoln, who was very helpful to me during the process. I wanted to thank the gentleman from Montgomery, Senator Tilghman, and the gentleman from Chester, Senator Stauffer, and their staffs as well, and also the Members of the House.

Mr. President, this General Appropriations budget is a good budget for Pennsylvanians who are working. There is a \$94 million PIT reduction. It is a good budget for business. There is \$70 million in the budget in tax relief in the CNI capital stock tax and franchise tax, as well as job creation credits. It is a good budget for the future of Pennsylvania. We have continued to set aside money in our Rainy Day Fund as well as, and more important to us, I believe, we have added to the Sunny Day Fund to allow the Governor now a pool of money in the amount of \$50 million to attract new business to Pennsylvania.

In addition, we have refined and improved a \$109 million economic revitalization fund which we hope will significantly improve the Commonwealth's business and job creation efforts. We are continuing to strengthen our educational institutions. At the basic level we have increased subsidies by 8 percent, \$164 million over the current year. At the higher education level we have provided a 6 percent increase over the

current funding level and, in addition, we have set aside \$20.3 million for technology improvement grants. We have also set aside additional funds for job training for those who are welfare recipients trying to get off those rolls, for those who have been dislocated from their current jobs and are unemployed, and for those who are functionally illiterate. In the area of quality of life, we have more than substantially increased the funding for cancer research and screening. We have funded programs to determine the root causes of what appears to be an epidemic of this state in teen suicide. We have restored the Governor's cuts in emergency food programs and have, for the first time, used state funds to supplement the women, infants and children supplemental food programs.

Furthermore, we are beginning to finally address the fact that some of our local municipalities and school districts have been severely impacted by economic dislocation in recent years. In that regard, we have designed a school subsidy formula which recognizes substantial loss of personal income in certain geographical areas of this state. And for the first time, we have added a new program, and in that program we have set aside \$5 million for emergency aid to distressed municipalities in our state.

Mr. President, this is not a perfect budget, no budget ever is, but it is substantially improved from the document received from the Governor's Office back in February, and that was only done by bipartisanship and cooperation, as well as cooperation between both Chambers. For many, many nights and many, many weekends a lot of work went into it, and I think everyone is to be commended for it—the Members for waiting around, and for the actual participants for their hours.

Again, I want to thank my staff. I want to thank my children for being understanding when I could not be with them as much as I would have liked to in the last few weeks. In short, Mr. President, I want to urge an affirmative vote so that we can continue progress in Pennsylvania.

Senator KELLEY. Mr. President, my only reservation about this budget is—I can appreciate the remarks of the gentleman from Philadelphia and the efforts and cooperation that went into the compilation of this—in the reality of such that we do not know accurately what the effects of the federal monies to this state or any other state are going to be. It is with that in view that I will reluctantly support this budget. The gentleman from Philadelphia brought in the idea of the tax cuts with it because, although it is not really relevant to this issue, this budget is based on the tax cuts that are contemplated to be passed. To me that is the real reservation we should be making, not to have considered the tax cuts but, at least, to hold it.

Today's paper talks in terms of a number of our states, particularly those which use oil as the base of their economy. They are hundreds of millions of dollars in deficit. The State of Texas is \$2.4 billion in deficit and they are going to be called back to a special Session. The worst it would be is that we would not do that, but this budget, because of the effects

of Gramm-Rudman being unknown to us and the monies we are predicating to be received are not necessarily accurate in spite of Gramm-Rudman. But, in great reluctance, I will vote for this but, of course, I anticipate not voting for the sister companion bill, the tax cut.

Senator STAUFFER. Mr. President, I, too, would like to begin my brief remarks by thanking all of those who participated in the budget-making process this year. I think all of us owe a great debt of gratitude to the respective members of the staffs of both the Senate caucuses as well as the House caucuses, not only for their dedication and willingness to work untold hours—you sometimes wonder how the human body can handle the workload these people have shouldered—but also for the good spirit with which information was shared and information was developed. I think the spirit of cooperation in the development of this budget is something that we in Pennsylvania can be particularly proud. I know in many states the bipartisan cooperation in pulling a budget together could not begin to equal that which we have seen this year, and I know we are all grateful for that.

With regard to the budget itself, our programs are well funded, the needs of the great variety of programs that are funded through the state are well met in my judgment. I think we should also recognize there is a very good balance in spending in this budget, and that is important, too, because we have to recognize there are a great many priorities in this Commonwealth and it is difficult to balance those priorities.

Mr. President, above all—and I think this is extremely important—I think we have to recognize that we are looking at Pennsylvania's future. This is the final budget of the Thornburgh Administration. The next budget we draft will be that of a new Administration. I think we can all take some degree of solace and satisfaction in the fact that we will present to the new Administration that comes into office early next year a sound spending program, a budget that is balanced in every respect, so that this new Administration will be able to pick up on the successes we have had in the years gone by and be able to continue to move Pennsylvania forward with our help and cooperation.

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Shaffer has just been called from the floor and I would again request a temporary Capitol leave on his behalf.

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

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

Senator JONES. Mr. President, to all the Members here present in the Senate, I would just like to say a few words in thanking God as to how I feel about this budget.

Mr. President, I rise to support the budget compromise. While not a perfect document, this budget contains a number of important initiatives for which I have worked hard and which I applaud. I am particularly pleased to see continued funding and increased state dollars for job training for those who were cut off welfare by the 1982 Welfare Reform Law. Mr. President, I notice you are smiling. I know you all are tired of hearing it, but I cannot help it. I have to do this. Somebody has to fight for these people, and I intend to do that. I am positively delighted about the \$7 million set aside for new job training programs for welfare recipients and dislocated workers. This appropriation represents a commitment to address the problems in Pennsylvania's job training programs which we presented in our prepared package. It is a commitment to increase our efforts to help those citizens of our Commonwealth who have not benefited from the so-called economic recovery and whose skills and educational levels deny them access to life sustaining employment.

I am thankful the Governor and my Republican colleagues were willing to acknowledge and address these critical needs. Initiation of a state supplement for the women, infants and children supplemental food program will enable about 17,000 additional households to participate in this program, reducing nutrition-related birth defects and learning problems.

Mr. President, I am also pleased that agreement was reached to expand the state's effort to help the homeless achieve stability. This \$7 million commitment to provide additional bridge and single room housing, housing assistance and housing for the chronically mentally ill is long overdue and extremely welcome.

Finally, the budget continues state funding for emergency food at an \$8 million level. This funding is absolutely necessary because the ranks of the hungry have continued to grow in our Commonwealth, and we will only have a situation where you either give them welfare or you are going to have to feed the homeless.

As pleased as I am about these initiatives, I must express, though, my disappointment that funding for a grant increase was not included in this budget. I have talked on the floor and privately over the past year about the difficulties of families depending on welfare not having enough money to keep a roof over their heads and food on their tables. Welfare grants have fallen—and you all know this—substantially behind increases in costs for rent, food, transportation and other necessities of daily life to the point, Mr. President, where families are living at a shockingly low 48 percent of the poverty level.

I want to thank the conferees and I thank everybody in this room and all of the people out there who truly had faith that something could happen this year. I want you all to know that God is going to bless you. If I seem a little emotional, I cannot help it because I cannot help but thank God for what you all have done. I especially wish to thank my colleague, the gentleman from Philadelphia, Senator Fumo, because I know he is a man who cares.

Senator ANDREZESKI. Mr. President, I would like to note that I have been here in this Chamber since 1980, and I think this is the first time I voted on a budget during regular working hours. I am sort of torn here in asking for a recess until at least 1:00 a.m. so we do not break with tradition, but the fact of the matter remains, Mr. President, that my rent is due today, so I am going to have to go along with breaking with this tradition so I can pay my rent today. Hopefully, that lady from the Chief Clerk's Office will be down shortly after the vote with our checks.

Senator STAUFFER. Mr. President, in my remarks I inadvertently failed to add one thought. I would not want us to vote on this bill without adding that thought, and that is to particularly express a great big thank you to Secretary of the Budget Bittenbender and his staff for their great cooperation. So often when we are dealing with a bill of this type, we are involved in the legislative process and we fail to recognize the front office and, particularly, the Budget Office is an integral part of the mechanism in bringing this about. I think all of us would recognize the tremendous cooperation that Secretary Bittenbender gave us and the long hours of participation he and his folks added to the process, and I do think we should publicly thank him for that and I do so now. Thank you very much.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, the gentleman from Allegheny, Senator Pecora, has been called from the floor and I would ask for a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. I do not think we will have any problem getting him a temporary Capitol leave. Senator Loeper has requested a temporary Capitol leave for Senator Pecora. The Chair surely hears no objection and the leave is granted.

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—49

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 349 CALLED UP OUT OF ORDER

HB 349 (Pr. No. 3864) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 349 (Pr. No. 3864) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration, the titling of all-terrain vehicles; and providing for sovereign immunity for designating certain areas as snowmobile or ATV routes.

Considered the third time,

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

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

Amend Title, page 1, line 5, by striking out "AND"

Amend Title, page 1, line 7, by removing the period after "ROUTES" and inserting: ; and defining certain terms for purposes of the oil company franchise tax for highway maintenance and construction.

Amend Bill, page 15, line 11, by striking out all of said line and inserting:

Section 7. The definitions of "consideration" and "petroleum revenue" in section 9501 of Title 75 are amended and the section is amended by adding a definition to read:
§ 9501. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Average wholesale price." The average wholesale price per gallon of all taxable petroleum products, excluding the Federal excise tax and all liquid fuels taxes, as determined by the department. In no case shall the average wholesale price be less than 90 cents or more than \$1.25 per gallon.

["Consideration." All proceeds received, whether in cash, credits or property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services, or other costs, interest or discount allowed, or any other expense whatsoever, except that deductions are allowed for returned merchandise.]

"Petroleum revenue." [All consideration derived from the first sale of petroleum products otherwise subject to liquid fuels taxes to wholesale or retail dealers in this Commonwealth for marketing and distribution or to a direct user. In no case shall the consideration be deemed to be less than 90 cents or more than \$1.25 per gallon. In the event that the consideration derived from the sale to a wholesale dealer includes Federal gasoline taxes, such taxes shall not be part of the petroleum revenue. If no consideration is received or if the person owned or controlled by the selling entity or to a division within the selling entity does not reflect the consideration which would have been received in an arm's length transaction with an unrelated person, then the

selling entity shall be deemed to have received from such sale revenue equal to the consideration it would have received in an arm's length transaction with an unrelated person. Receipts from the sale] An amount derived by multiplying the number of gallons of petroleum products, otherwise subject to liquid fuels taxes, at the time of their first sale to wholesale or retail dealers in this Commonwealth for marketing and distribution or to a direct user plus the number of gallons used by the first seller in this Commonwealth by the average wholesale price. A deduction shall be allowed for returned merchandise. Sales of petroleum products are allocable to this Commonwealth if the property is delivered or shipped to a purchaser located within this Commonwealth regardless of the F.O.B. point or other conditions of the sale. The importation of petroleum products into this Commonwealth upon which this tax has not been imposed or collected shall constitute a sale within this Commonwealth and the importing purchaser shall be deemed an oil company for the purposes of this chapter. Subsequent exportation of these imported products from this Commonwealth shall constitute a deduction from taxable revenue.

Section 8. (a) Section 7 of this act, amending section 9501 of Title 75, shall take effect on the first day of the third month following the month of its enactment.

(b) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**SUPPLEMENTAL CALENDAR NO. 1
RESUMED**

SB 1451 CALLED UP OUT OF ORDER

SB 1451 (Pr. No. 2270) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Preferred Appropriation Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1451 (Pr. No. 2270) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1451.

On the question,

Will the Senate agree to the motion?

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

YEAS—50

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

NAYS—0

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

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

SUPPLEMENTAL CALENDAR NO. 3

SB 542 CALLED UP OUT OF ORDER

SB 542 (Pr. No. 2314) — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 542 (Pr. No. 2314) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," increasing the debt authorization and appropriation; further providing for the use of certain Federal funds; and limiting the power to incur debt.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 542.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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

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

SB 1414 CALLED UP OUT OF ORDER

SB 1414 (Pr. No. 2322) — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1414 (Pr. No. 2322) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 527, No. 106), entitled "Recreational Improvement and Rehabilitation Act," increasing an appropriation; further providing for small municipalities; and extending the time for the use of the funds.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1414.

On the question,

Will the Senate agree to the motion?

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

YEAS—50

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

As a Special Order of Business, 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 PENNSYLVANIA FISH COMMISSION

May 30, 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 Leon H. Reed, Jr. (District Seven), R. D. 3, Box 1710, Honesdale 18431, Wayne County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1992, and until his successor is appointed and qualified, vice Jerome Southerton, Honesdale, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA FISH COMMISSION

May 30, 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 Ross J. Huhn (District Two), R. D. 2, P. O. Box 156, Saltsburg 15681, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1994, and until his successor is appointed and qualified.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

Senator FUMO. Mr. President, may we divide the nominations and do them separately?

Senator BRIGHTBILL. I have no objection, Mr. President.

LEGISLATIVE LEAVE

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

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Ross. The Chair hears no objection. The leave is granted.

On the question,

Will the Senate advise and consent to the nomination of Leon H. Reed, Jr.?

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

YEAS—47

Andrezeski	Hess	Madigan	Shaffer
Armstrong	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Pake	Stapleton

Brightbill	Jones	Pecora	Stauffer
Corman	Jubelirer	Peterson	Stout
Early	Kelley	Reibman	Tilghman
Fisher	Lemmond	Rhoades	Wenger
Fumo	Lewis	Rocks	Williams
Greenleaf	Lincoln	Ross	Wilt
Hankins	Loeper	Salvatore	Zemprelli
Helfrick	Lynch	Scanlon	

NAYS—3

Kratzer	Mellow	Romanelli
---------	--------	-----------

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

Ordered, That the Governor be informed accordingly.

On the question,

Will the Senate advise and consent to the nomination of Ross J. Huhn?

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

YEAS—49

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COMMONWEALTH COURT
OF PENNSYLVANIA

April 28, 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 Carroll F. Purdy, Jr., Esquire, 211 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Commonwealth Court of Pennsylvania, to serve until the first Monday of January, 1988, vice The Honorable Robert W. Williams, Jr., resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—32

Armstrong	Helfrick	Loeper	Scanlon
Bell	Hess	Madigan	Shaffer
Bodack	Holl	Moore	Shumaker
Brightbill	Hopper	Pecora	Stauffer
Corman	Howard	Peterson	Tilghman
Early	Jubelirer	Rhoades	Wenger
Fisher	Kelley	Romanelli	Wilt
Greenleaf	Lemmond	Salvatore	Zemprelli

NAYS—18

Andrezeski	Lewis	O'Pake	Singel
Fumo	Lincoln	Reibman	Stapleton
Hankins	Lynch	Rocks	Stout
Jones	Mellow	Ross	Williams
Kratzer	Musto		

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

RECONSIDERATION OF EXECUTIVE
NOMINATION

NOMINATION LAID ON THE TABLE

Senator BRIGHTBILL. Mr. President, I move to reconsider the vote by which the nominee failed confirmation and that the nomination be laid on the table.

The PRESIDENT pro tempore. Senator Brightbill moves to reconsider the vote by which the nominee failed to receive a constitutional two-thirds majority and that the nomination be laid on the table.

The motion was agreed to.

The PRESIDENT pro tempore. The nomination of the Honorable Carroll F. Purdy, Jr. will be laid on the table.

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 BOARD OF TRUSTEES
OF ALLENTOWN STATE HOSPITAL

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 Evangeline Coeyman, Route 1, Emmaus 18049, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified.

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 David M. Zurn, 1850 South Shore Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 1988, and until his successor is appointed and qualified, vice Mary D. Barnes, Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF EASTERN STATE SCHOOL AND HOSPITAL

June 19, 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 Kathleen M. Waters, 18 Tea Rose Lane, Levittown 19054, Bucks County, Sixth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Robert Saunders, Levittown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

June 13, 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 Rodman K. Fritzing, 654 Dorothy Avenue, Fountain Hill, Bethlehem 18015, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION

June 19, 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 Rita Clark, 52 Rose Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1990, or until her successor shall have been duly appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION

June 19, 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 Thomas L. McGill, Jr., Esquire, 6809 Emlen Street, Apartment 301, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1989, or until his successor shall have been duly appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION

June 19, 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 John P. Wisniewski, 104 Birch Avenue, Crestview Manor, Pittsburgh 15209, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1988, or until his successor shall have been duly appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

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 Charles H. Gale, Sr., 1716 School House Road, Box 264, Gwynedd 19436, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Elizabeth B. Martin, Rosslyn Farms, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF EXAMINERS OF NURSING
HOME ADMINISTRATORS

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 Patricia E. Irwin, 2631 Philadelphia Avenue, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SOUTH MOUNTAIN RESTORATION CENTER

June 19, 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 Mildred W. Benner, 230 Benner Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Paul F. Chalfant, Waynesboro, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SOUTH MOUNTAIN RESTORATION CENTER

June 19, 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 Rose G. Good, 620 North Grant Street, Extended, Waynesboro 17268, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Mary C. Spanogle, Chambersburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SOUTH MOUNTAIN RESTORATION CENTER

June 19, 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 Cora I. Grove, 171 Apple Drive, Greencastle 17225, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Sandra Beauchat, Gettysburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

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 John C. Goebert, R. D. 4, Box 266, Blairsville 15717, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

MOTION TO AMEND MOTION

Senator ZEMPRELLI. Mr. President, I would amend the motion made by the gentleman and call from the table the name of Emil Narick for Judge of the Commonwealth Court of Allegheny County.

The PRESIDENT pro tempore. I think the motion is out of order. I think after this you can move to take him off the table, but the motion, as you phrased it, would be out of order.

Senator ZEMPRELLI. Mr. President, it is a motion to amend the motion to have removed from the table the name of Emil Narick as Judge of the Commonwealth Court of Pennsylvania.

The PRESIDENT pro tempore. The question before the Senate would be on Senator Zemprelli's motion to take the name of Emil Narick for Judge of the Commonwealth Court off the table. That would be the only question before the Body at this time.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

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

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

Senator KELLEY. Mr. President, the motion is not in order in that the question presented before the Senate now is the confirmation of the nominees just read by the Clerk. They require a majority vote as well, and the confirmation, constitutionally, of Emil Narick for the Commonwealth Court is a two-thirds vote and it would not be relevant, therefore, to the consideration of the confirmation of these nominees just read. Therefore, it is not germane to the main motion before the Senate.

The PRESIDENT pro tempore. Senator Kelley, the motion that Senator Zemprelli made is to take it off the table, which would be a majority vote. If the motion would succeed, then it would have to be separated out—you are correct—to get a two-thirds vote. I am trying to expedite the matter in the sense that it could be a separate motion to take it off the table, but it comes down to the same thing. A majority vote would take it off the table.

Senator KELLEY. Mr. President, the problem is that the names just read by the Clerk are already off the table and, therefore, the motion to take from the table is not germane to the issue before the Senate.

The PRESIDENT pro tempore. Would you agree, Senator Kelley, that if Senator Zemprelli moved to take it off the table, that would be in order? ⁴

Senator KELLEY. Not at this time, Mr. President. It is not in order. It would be after this vote.

The PRESIDENT pro tempore. Senator Kelley is technically correct. May we vote on these nominations which require a majority—and he is correct—and then I will recog-

nize Senator Zemprelli, or whoever, to move to take the other nomination off the table, which I think clearly delineates between the majority and the two-thirds confirmation. I think that will do the job.

Senator FUMO. Mr. President, we do not necessarily agree, but may we be at ease for a moment?

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

The PRESIDENT pro tempore. The question before the Body is, will the Senate advise and consent to the nominations just read by the Clerk? A second motion will follow on the matter of the Commonwealth Court judge.

LEGISLATIVE LEAVE

Senator FUMO. Mr. President, Senator Jones has just been called from the floor and I would like to request a temporary Capitol leave for her.

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

And the question recurring,
Will the Senate advise and consent to the nominations?

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

YEAS—49

Andrezski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	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—1

Kratzer

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

Ordered, That the Governor be informed accordingly.

MOTION TO TAKE NOMINATION FROM THE TABLE

Senator ZEMPRELLI. Mr. President, I move the nomination of Emil E. Narick, as Judge of the Commonwealth Court of Pennsylvania, be taken from the table and considered immediately.

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

Senator STAUFFER. Mr. President, I ask for a negative vote on the motion.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—24

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

NAYS—26

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

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

LEGISLATIVE LEAVE

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

The PRESIDENT pro tempore. Senator Zemprelli requests a temporary Capitol leave for Senator Musto. The Chair hears no objection. The leave is granted.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SB 1447 CALLED UP OUT OF ORDER

SB 1447 (Pr. No. 2315) — 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

SB 1447 (Pr. No. 2315) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing appropriations required from the Motor License Fund for the fiscal year July 1, 1986, to June 30, 1987, for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1447.

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

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

YEAS—50

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

NAYS—0

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

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

SB 1556 CALLED UP OUT OF ORDER

SB 1556 (Pr. No. 2321) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

SB 1556 (Pr. No. 2321) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1986-1987.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1556.

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

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

YEAS—50

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

NAYS—0

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

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

SB 1445 CALLED UP OUT OF ORDER

SB 1445 (Pr. No. 2311) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1445 (Pr. No. 2311) — 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 third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator FUMO. Mr. President, it is with a great deal of pleasure that I rise today to speak on behalf of Senate Bill No. 1445, the bill that amends Pennsylvania's Pesticide Control Act of 1973.

Sometime ago I was approached by one of my constituents, Mrs. Annette Villari, about problems resulting from a pesticide misapplication in her home. The circumstances and events associated with her problem can only be described as tragic, not only with regard to the initial misapplication of a toxic chemical, but also with regard to the uncooperative and, indeed, callous response she received from the Department of Agriculture when she attempted to remedy her problem. I wish I could say that the Villari problem was isolated and unique. However, that is not the case. The Villari problem was the tip of the iceberg, the dimensions of which we have sought to grasp through further investigation and a public hearing. As we discovered, there was an unrelated network of people who had experienced similar problems and who came forward with horror stories of their own. The most disheartening fact that kept reappearing during my investigation was the inadequate enforcement of the existing Pesticide Control Act by the Pennsylvania Department of Agriculture. I bring this matter to the attention of this Body because the best written law cannot survive the willful neglect of a callous Administration determined not to enforce it, an Administration more interested in receiving credit for work force reductions than protecting the health and safety of its citizens.

Frankly, I must admit that before this issue came to my attention, I never contemplated the significant consumer protection and health and safety roles of the Department of Agriculture. However, I soon began to pay attention.

During the appropriations hearings this year, I discovered, to my consternation, that the department had experienced a

22.1 percent reduction in its General Fund complement since this Administration took office. Also, I could get no guarantee from the Secretary of Agriculture that any additional funds or personnel would be devoted to an underfunded and understaffed pesticide control program. I finally got fed up with the typical Administration line of doing more with less when, in fact, this Administration has elevated doing nothing to a management science. Well, Governor Thornburgh and Secretary Grubb, like it or not, the General Assembly of this Commonwealth will be handing you comprehensive pesticide control legislation with provisions for increased fees and a special fund devoted to funding our pesticide control program. There should be no more excuses. You will have the money and the tools to do the job, and I, for one, will be looking over your shoulder to ensure that your department is aggressively protecting our citizens from further tragedy.

Having been ignored in my request to have the chairman of the committee involved in this schedule a hearing of his committee in Philadelphia, Senator Musto and other Democratic Members of the Senate Committee on Environmental Resources and Energy responded to my request. We had a hearing in November of 1985, coupled with my bills on pesticide reform and one from the lady from Northampton, Senator Reibman, and sent a very strong signal to all parties that Pennsylvania would have pesticide reform. As one hearing participant testified, my legislation was the equivalent of a two-by-four on the side of the head to the Administration. Unfortunately, that is what it took to bring attention to this problem. I am very pleased that most of my proposals have been incorporated into Senate Bill No. 1445.

I would like to say thank you to a number of people who have participated in this effort, especially Mrs. Annette Villari who first brought this matter to my attention. I would like to thank all the people who offered advice and encouraged me and my staff to pursue this matter. I would also like to thank the gentleman from Luzerne, Senator Musto, the gentleman from Fayette, Senator Lincoln, and the gentleman from Indiana, Senator Stapleton, who participated in the Philadelphia hearing. Finally, I would like to thank my staff, whose persistence in this effort led to something we can all be proud of.

In closing, as much as anything else, my experience in this matter illustrates that none of us is immune from misuse of modern day chemicals, whether we be the producer or the consumer, the farmer, green thumb gardner or resident of a row house in Philadelphia attempting to deal with a household pest problem. What we have begun today is to develop a regulatory program which will enhance the safe use of pesticides. While we can all take pride in this effort, the job does not end here. Simply passing a bill without a change in attitude by the Department of Agriculture will be a hollow victory. Today, I am serving notice and I believe everyone who votes for this bill is serving notice that we expect more than a shell of a program, we expect a model program. The health and safety of our children and families demand nothing less.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

Senator WILT. Mr. President, I would just like to acknowledge that I am always flattered whenever the gentleman from Philadelphia, Senator Fumo, and I can be allies.

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—50

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

NAYS—0

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

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

SB 562 CALLED UP OUT OF ORDER

SB 562 (Pr. No. 2279) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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—50

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

NAYS—0

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

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

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator STAUFFER, by unanimous consent, submitted the Report of Committee of Conference on **SB 1277**, which was placed on the Calendar.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1422**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

SUPPLEMENTAL CALENDAR NO. 4

SB 293 CALLED UP OUT OF ORDER

SB 293 (Pr. No. 2324) — 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

SB 293 (Pr. No. 2324) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the creation of the Health Care Cost Containment Council, for its powers and duties, for health care cost containment through the collection and dissemination of data, for public accountability of health care costs, and for health care for the indigent; establishing the Indigent Care Program; and making an appropriation.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 293.

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

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

YEAS—50

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

NAYS—0

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

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

SB 1277 CALLED UP OUT OF ORDER

SB 1277 (Pr. No. 2337) — 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

SB 1277 (Pr. No. 2337) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a special fund for moneys received by the Commonwealth from resolution of oil overcharge matters; designating certain low-income energy conservation and assistance programs for funding from this special fund; and making appropriations.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1277.

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

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

YEAS—50

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

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

NAYS—0

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

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

SB 1422 CALLED UP OUT OF ORDER

SB 1422 (Pr. No. 2293) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1422 (Pr. No. 2293) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," reenacting provisions relating to a credit against gross receipts tax for railroad expenditures on maintenance or right-of-way improvements.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1422.

On the question,

Will the Senate agree to the motion?

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

YEAS—50

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

NAYS—0

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

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

CONSIDERATION OF CALENDAR RESUMED**SB 1338 CALLED UP OUT OF ORDER**

SB 1338 (Pr. No. 1781) — Without objection, the bill was called up out of order, from page 3 of the Final Passage Calendar, by Senator STAUFFER, as a Special Order of Business.

NONPREFERRED APPROPRIATION BILL
ON FINAL PASSAGE

SB 1338 (Pr. No. 1781) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania Nutrition Adjustment Center.

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Jones is back from leave and her leave will be cancelled.

And the question recurring,

Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, the only comment I would make is that this is not the first time this bill appeared on the Calendar. This was a nonpreferred appropriation that had appeared earlier and there were some misgivings about the refunding of monies that had been advanced on the basis that the people involved were going to receive a federal appropriation. It turns out the federal appropriation was not received, and the misgivings that some of us shared were that we were, in fact, funding something that had already been expended by certain organizations, the benefits of which, in part, went to an Ohio concern. After we had voted the matter down, then it became clear we were hurting some people who we otherwise would not hurt. There were some children with some sensitive deformities or diseases that were being cared for and had been cared for, and the problem we have with it is we want to accommodate these children, and the only way we can do it is through the passage of Senate Bill No. 1338. What we are being asked to do is to put aside our strong feelings in opposition to the method by which this has been handled. What we are, in fact, doing here is establishing a payment by the Commonwealth of Pennsylvania to other organizations which have prepaid these expenses and were anticipating the receipt of funds from other sources that did not develop. I think it is a bad practice. I voted "no" before, I will vote "yes" this time. I do it reluctantly, and the reason I am doing it is because the cause is so justified that I feel compelled to put aside what I consider to be good judicial practice, good legislative practice in the higher interest. At the same time, I would hope that those who are in charge of this program will get their act together and not be so irresponsible in the expenditure of monies they did not have and then come and ask us to bail them out. For that reason, I do not want my vote nor other Members in my caucus who will now be voting for this issue, who did not vote for it before, and are not necessarily in agreement that this, to indicate there should be a continuing appropriation without justification of need. On the basis of those remarks, Mr. President, there are some of us on this side who will be voting in the affirmative now who voted in the negative before. I would ask for a roll call vote.

Senator ANDREZESKI. Mr. President, I would just like to add to the remarks of the gentleman from Allegheny, Senator

Zemprelli, my agreement and also the fact that we are sending the wrong message to every organization in Pennsylvania. We are sending the wrong message to every delivery system for health care, every mental health agency and social service agency, and the message we are sending by doing this item in this manner is: Do not worry, come back in the end, find someone to bail you out. This is an insult to every agency that has gone and done the right thing and followed the right procedures no matter what the consequences may be.

Senator ZEMPRELLI. Mr. President, I cannot disagree with any of the remarks that were made by the gentleman. I think they were in order and I think they are absolutely correct. I would only state that I would hope this would not be established as a procedure for future action. It is unfortunate that the people who are involved here are young children in critical need and that this is a single situation. I know there is a difference of opinion. When I vote "yes" today it is going to be with a great deal of reluctance.

Senator FUMO. Mr. President, as the Minority Chairman of the Committee on Appropriations, I would urge my colleagues on this side of the aisle, despite the plea of my colleague, the gentleman from Allegheny, Senator Zemprelli, to vote "no" on this bill. I believe it would set a very dangerous precedent. I think there are other ways to handle this and we should do it in a proper fashion, not this way.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—40

Armstrong	Hess	Moore	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Hopper	Pecora	Singel
Brightbill	Howard	Peterson	Stapleton
Corman	Jubelirer	Rhoades	Stauffer
Early	Lemmond	Rocks	Stout
Fisher	Lincoln	Romanelli	Tilghman
Greenleaf	Loeper	Ross	Wenger
Hankins	Madigan	Salvatore	Wilt
Helfrick	Mellow	Scanlon	Zemprelli

NAYS—9

Andrezeski	Kelley	Lewis	O'Pake
Fumo	Kratzer	Lynch	Reibman
Jones			

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

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

LEGISLATIVE LEAVES CANCELLED

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

LEGISLATIVE LEAVE

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 35 CALLED UP OUT OF ORDER

HB 35 (Pr. No. 3861) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 35 (Pr. No. 3861) — 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; and further providing for appeals of assessments.

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—50

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

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 36 CALLED UP OUT OF ORDER

HB 36 (Pr. No. 3840) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 36 (Pr. No. 3840) — 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 appeals of assessments; and providing for refunds for errors in assessments.

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—50

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

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 1921 CALLED UP OUT OF ORDER

HB 1921 (Pr. No. 2783) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Bill, page 2, lines 15 through 30; pages 3 and 4, lines 1 through 30; page 5, lines 1 through 29, by striking out all of said lines on said pages and inserting:

Section 4. New residential construction.

(a) Power to grant exemptions.—Each local taxing authority may, by ordinance or resolution, exempt from real property taxation the assessed valuation of improvements to unimproved residential property in the amounts and in accordance with the provisions and limitations set forth in this act. Prior to the adoption of the ordinance or resolution authorizing the granting of tax exemptions, the municipal governing body by ordinance or resolution shall affix the boundaries of the unimproved residential property or properties wholly or partially located within its jurisdiction for which the tax exemption shall be available. The municipal governing body shall conduct at least one public hearing for the purpose of determining the boundaries. At the public hearing, local taxing authorities, planning commissioners, redevelopment authorities, and other public and private agencies, individuals, associations and corporations which are knowledgeable and interested in the improvement of unimproved residential property shall present their recommendations concerning the location of boundaries of the unimproved residential property or properties for the guidance of the municipal governing bodies. The ordinance or resolution adopted by a local taxing authority shall specify a description of the boundaries of the unimproved residential property or properties as determined by the municipal governing body, the cost of improvements per dwelling unit to be exempted, and the schedule of taxes exempted.

(b) Cooperation between municipalities.—Two or more municipal governing bodies may join together for the purpose of determining the boundaries of the unimproved residential property and to establish the uniform maximum cost per dwelling unit, and the municipal governing bodies shall cooperate fully with each other for the purposes of implementing this act. The local taxing authorities may, by implementing ordinance or resolution, agree to adopt tax exemptions contingent upon the similar adoption by an adjacent local taxing authority or by a local taxing authority with mutual jurisdiction, within the limitations provided herein.

(c) Limitation.—In the event a local taxing authority enacts an ordinance under section 4(a) of this act and subsequently amends the ordinance to shorten the abatement period provided for in the original or latest version of the ordinance, the taxing authority shall not reduce the abatement period for those property owners eligible for and participating in the previously enacted abatement program. In the event a local taxing authority enacts an abatement ordinance under section 4(a) of this act and subsequently amends the ordinance to extend the abatement period provided for in the original or latest version of the ordinance, the taxing authority may extend the abatement period for those property owners eligible for and participating in the previously enacted abatement program provided, however, that in no case shall the original period plus the extension result in an abatement period that exceeds two years.

Section 5. Exemption schedule.

(a) Amount of exemption.—A local taxing authority granting a tax exemption pursuant to this act may provide for tax exemption on the assessment attributable to the actual cost of improvements or up to any maximum cost uniformly established by the local taxing authority. The maximum cost shall apply uniformly to all eligible unimproved residential property within the local taxing authority jurisdiction.

(b) Schedule of taxes.—Whether or not the assessment eligible for exemption is based upon actual cost or a maximum cost, the actual amount of taxes exempted shall be in accordance with the schedule of taxes exempted established by the local taxing authority, subject to the following limitations:

(1) The length of the schedule of taxes exempted which shall be known as the abatement period shall not exceed two years.

(2) The schedule of taxes exempted shall stipulate the portion of improvements to be exempted each year.

(3) The exemption from taxes shall be limited to the additional assessment valuation attributable to the actual cost of improvements to the property or not in excess of the maximum cost per unit established by the local taxing authority.

Section 6. Procedure for obtaining an exemption.

(a) Notification.—Any person desiring tax exemption, pursuant to ordinances or resolutions adopted pursuant to this act, shall notify each local taxing authority granting the exemption on a form provided by the local taxing authority. The form shall be submitted at the time the person desiring tax exemption secures the building permit, or if no building permit or other notification of improvement is required, at the time he commences construction. A copy of the exemption request shall be forwarded to the Board of Assessment and Revision of Taxes or other appropriate assessment agency. The assessment agency shall, after completion of the improvement, assess separately the improvement and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by the local taxing authorities and notify the taxpayer and local taxing authorities of the reassessment and the amounts of the assessment eligible for exemption. Appeals from the reassessment and the amounts eligible for the exemption may be taken by the taxpayer or the local taxing authorities as provided by law.

(b) Application of changes.—Except as may be authorized in section 4(c), the cost of improvements to be exempted and the schedule of taxes exempted existing at the time of the submission of the form as provided in subsection (a) shall be applicable to that exemption request.

Section 7. Effective date.

This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 241 CALLED UP OUT OF ORDER

HB 241 (Pr. No. 2561) — Without objection, the bill was called up out of order, from page 9 of the First Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON FIRST CONSIDERATION

HB 241 (Pr. No. 2561) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the operation of vending facilities by licensed blind persons; creating a Committee of Blind Vendors; granting powers to and imposing duties upon the committee; and granting powers to and imposing duties upon an administrative unit in the Department of Public Welfare.

Considered the first time and agreed to,

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

SB 275 CALLED UP OUT OF ORDER

SB 275 (Pr. No. 287) — Without objection, the bill was called up out of order, from page 9 of the First Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON FIRST CONSIDERATION

SB 275 (Pr. No. 287) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," providing for hemodialysis services.

Considered the first time and agreed to,

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

HB 1543 CALLED UP OUT OF ORDER

HB 1543 (Pr. No. 3858) — Without objection, the bill was called up out of order, from page 9 of the First Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON FIRST CONSIDERATION

HB 1543 (Pr. No. 3858) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the protection of employment of crime victims.

Considered the first time and agreed to,

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

HB 2330 CALLED UP OUT OF ORDER

SB 2330 (Pr. No. 3777) — Without objection, the bill was called up out of order, from page 9 of the First Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON FIRST CONSIDERATION

HB 2330 (Pr. No. 3777) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 28, 1961 (P. L. 111, No. 50), known as the "Tourist Promotion Law," adding definitions; and further providing for grants to tourist promotion agencies.

Considered the first time and agreed to,

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

SB 734 CALLED UP OUT OF ORDER

SB 734 (Pr. No. 2273) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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

An Act providing for appraisals of jewelry.

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—50

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

NAYS—0

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

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

HB 447 CALLED UP OUT OF ORDER

HB 447 (Pr. No. 3860) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 447 (Pr. No. 3860) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), referred to as the "Pennsylvania Board of Probation and Parole Law," further providing for membership, vacancies, salaries, qualifications and confirmation of board members; further providing for an advisory committee; reestablishing the board for a period of time; further providing for notification of victims and for consideration of their opinions prior to granting parole; and further providing for powers and duties of the board.

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—50

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

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

CONSIDERATION OF CALENDAR RESUMED

SB 628 CALLED UP OUT OF ORDER

SB 628 (Pr. No. 2301) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 628 (Pr. No. 2301) — The Senate proceeded to consideration of the bill, entitled:

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.

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—50

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

NAYS—0

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

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

SB 838 CALLED UP OUT OF ORDER

SB 838 (Pr. No. 2312) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 838 (Pr. No. 2312) — 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 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—50

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

NAYS—0

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

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

SB 1280 CALLED UP OUT OF ORDER

SB 1280 (Pr. No. 2288) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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—50

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

NAYS—0

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

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

SB 1408 CALLED UP OUT OF ORDER

SB 1408 (Pr. No. 2302) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1408 (Pr. No. 2302) — The Senate proceeded to consideration of the bill, entitled:

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.

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—50

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

NAYS—0

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

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

**MEETINGS OF COMMITTEES
OF CONFERENCE**

Senator STAUFFER. Mr. President, I would like to announce that the recessed meetings of the Committees of Conference on House Bill No. 209, Senate Bill No. 774, House Bill No. 2596, Senate Bill No. 642 and Senate Bill No. 560 will reconvene at 4:30 p.m.

REQUEST FOR RECESS

Senator STAUFFER. Mr. President, at this time I request a recess of the Senate to the call of the Chair.

Mr. President, I understand there is some paperwork that can be moved across the desk. I would suggest that we do that prior to the recess.

**REPORTS OF COMMITTEES OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE**

Senator STAUFFER, by unanimous consent, submitted the Report of Committee of Conference on **HB 1676**, which was laid on the table.

Senator SHAFFER, by unanimous consent, submitted the Report of Committee of Conference on **HB 1832**, which was laid on the table.

HOUSE MESSAGES

**HOUSE ADOPTS REPORTS OF COMMITTEES
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **HB 383, 1676 and 1832**, which were placed on the Calendar.

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **SB 1416, 1447 and 1556**.

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 936**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators HOPPER, HOLL and HANKINS as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 936.

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

LEGISLATIVE LEAVE

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

The PRESIDENT. Is there any objection to a temporary Capitol leave on behalf of Senator Lynch? The Chair hears none. That leave is granted.

BILL SIGNED

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

SB 1416.

RECESS

The PRESIDENT. Senator Stauffer has requested a recess to the call of the Chair. The Senate stands in recess to the call of the Chair.

AFTER RECESS

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

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

SUPPLEMENTAL CALENDAR NO. 5

HB 1676 CALLED UP OUT OF ORDER

HB 1676 (Pr. No. 3873) — 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 1676 (Pr. No. 3873) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," creating the Redevelopment Assistance Sinking Fund and providing for its funding and use.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1676.

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

LEGISLATIVE LEAVE CANCELLED

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

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—50

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

NAYS—0

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

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Salvatore and Senator Moore have been called from the floor and I would request temporary Capitol leaves on their behalf.

The PRESIDENT pro tempore. Senator Loeper has requested temporary Capitol leaves for Senator Salvatore and Senator Moore. The Chair hears no objection. The leaves will be granted.

REMARKS BY MAJORITY LEADER

Senator STAUFFER. Mr. President, before calling up the next bill, I would like those in their offices to note that after the next bill is considered, following that, we will be considering House Bill No. 383 which is the capital budget bill. I know there is some individual interest in that bill, and I would advise the Members to come to the floor in order to express their wishes on their vote on that particular piece of legislation.

**SUPPLEMENTAL CALENDAR NO. 5
RESUMED**

HB 1832 CALLED UP OUT OF ORDER

HB 1832 (Pr. No. 3874) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

HB 1832 (Pr. No. 3874) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Tax-Exempt Bond Allocation Act," approved December 20, 1985 (P. L. 483, No. 113), adding provisions relating to changes in Federal law.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1832.

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

LEGISLATIVE LEAVE

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

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

LEGISLATIVE LEAVE CANCELLED

Senator STAUFFER. Mr. President, you can remove the Capitol leave of Senator Salvatore.

The PRESIDENT pro tempore. Senator Salvatore is back on the floor and his temporary Capitol leave is cancelled.

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—50

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

NAYS—0

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

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

HB 383 CALLED UP OUT OF ORDER

HB 383 (Pr. No. 3871) — 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 383 (Pr. No. 3871) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 3, 1984 (P. L. 583, No. 117), entitled "An act providing for the capital budget for the fiscal year 1984-1985," itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, flood control projects, site development projects and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Commerce, the Department of Community Affairs or the Department of Environmental Resources, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Commerce, the Department of Community Affairs or the Department of Environmental Resources; stating the estimated useful life of the projects; making appropriations; and making a repeal.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 383.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I wonder if the Chair would verify for me the Members of the Democratic caucus who are on temporary Capitol leave?

The PRESIDENT pro tempore. They are Senator Williams, Senator Lynch and Senator Fumo.

Senator BELL. Mr. President, I understand this bill as now written contains the money for the Delaware Valley Convention Center located in Philadelphia. I am going to vote for this bill because this affects the entire southeastern region of Pennsylvania. It affects us in many ways. In the construction, at least half the building trades to be employed live in the suburbs. It affects the air travel in and from Philadelphia. Seven-eighths of that airport is in my district and half of the workers at the airport live in Delaware County. Five of the hotels in that area are in my district. As far as the permanent employees in this Delaware Valley Convention Center, many will come from the suburbs. It has been improperly called the Philadelphia Convention Center. The center belongs to the Delaware Valley.

Senator PECORA. Mr. President, my remarks pertain to the Delaware Valley Convention Center that is located in Philadelphia. I want to bring to everyone's attention, as I did previously, that I did not support the convention center of Delaware Valley. It will only proceed to be a white elephant as other convention centers have been in this Commonwealth. It would also put a burden on the Philadelphia taxpayers who

will be forced to borrow \$400 million. Philadelphia has proven constantly that they are incapable of operating a financially stable government. They must constantly overtax the suburbanites and other residents of that city. Their government has shown to be negligent in their responsibilities to their citizens. They also give the impression—

POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Philadelphia, Senator Rocks, will state it.

Senator ROCKS. Mr. President, I make the simple request of the Chair, according to the Rules of this Senate that we all abide by, the bill in front of us which I understand to be the Committee of Conference report on the capital budget of this Commonwealth, that the remarks of any speaker be limited to the contents of that report.

The PRESIDENT pro tempore. The gentleman's point is certainly correct. Senator Pecora, we are on the Committee of Conference report on House Bill No. 383, and would you debate that motion to adopt accordingly.

Senator PECORA. Mr. President, was he upset that I referred to it as the Delaware Valley Convention Center? I know the Philadelphia Convention Center expenditure is in the report of the Committee of Conference and I feel I should have the opportunity to give my opinion on it.

The PRESIDENT pro tempore. You may debate the bill.

Senator PECORA. That is in the bill, Mr. President?

The PRESIDENT pro tempore. The Philadelphia Convention Center is part of House Bill No. 383, the capital budget.

Senator PECORA. Mr. President, as I stated earlier, I think it is detrimental to this report of the Committee of Conference that we the Commonwealth must borrow under a bond issue one hundred-eighty some million dollars which will put a terrific burden on the taxpayers of this Commonwealth for a convention center that has been objected to by people in Philadelphia. It is being thrown down their throats. All reports upon the investigation of the convention center say the site is in a deplorable situation and will not benefit Philadelphia, and it will constantly be a tax burden to the City of Philadelphia. I must vote for this House Committee of Conference report because of the other good legislation in this bill, but, I feel when this was placed into this Committee of Conference report, we put in a white elephant that will disgrace this Commonwealth as all Philadelphia procedures have done in the past.

Senator SALVATORE. Mr. President, it is unfortunate that my colleague seeks to castigate Philadelphia today. Maybe tomorrow it might be some other city or some other town in Pennsylvania, but I am proud of Philadelphia. I think everyone goes through their share of problems, and I am sure he has gone through his share of problems in his hometown and in his home county, and what not. There is always going to be a minority of people opposed to anything, that is why we have majority and minority parties. Unfortunately, people have castigated this convention center as a white elephant, but it is not a white elephant, Mr. President. But, Mr. President,

when we have something like this convention center and he says it is going to be a burden to the taxpayers, the gentleman does not realize the revenues that are going to be generated by this convention center which are going to go into the coffers of the State of Pennsylvania. Over the lifetime of this convention center in the years to come, this \$181 million will be coming back twenty-fold to the state, plus the jobs it is going to create, the temporary jobs and the permanent jobs, and jobs at a low-level entry, jobs that we need desperately in Pennsylvania. It is not a Philadelphia convention center, it is a Pennsylvania convention center. Even the makeup of the board, Mr. President, is not of Philadelphia makeup to ensure that we have the finest convention center, the finest authority running this thing, so we do not have what happened in other cities throughout the country. There will not be cost overruns on this particular project because we are going to ensure that the convention center is run properly, constructed properly and supervised properly.

Senator LEWIS. Mr. President, I rise in support of the legislation in front of us now and particularly to speak to the issue of the convention center since the gentleman from Allegheny County raised it. I think, if I understood the thrust of his comments, it was a question or a concern about Philadelphia, and it is that concern which I rise to address because I think it is important for the gentleman to know that, at least in my perspective, this particular facility is critically important to the entire region in southeastern Pennsylvania. I have believed from the day we first voted on the issue, when I voted in the affirmative, notwithstanding the tremendous amount of pressure from persons in southeastern Pennsylvania, particularly colleagues in the House, pressure also experienced by my other colleagues on the other side of the aisle from their representatives, and pressure which was designed to try to coerce us into withholding our support for the convention center in return for some concession on the wage tax—I do not mean to discuss the wage tax issue again this evening. We have done it before and we will do it again—but the point being that notwithstanding that issue which was as important to us as any other issue can possibly be, we separated them and said what is right and what is important should move forward. That is the perspective with which we have approached the issue of the convention center. It means jobs, it means economic development and improvement, and it means progress for all of southeastern Pennsylvania. It is an item which in its prosperity will not only bring with it improvement for our people in our communities, but benefit for all of Pennsylvania. I think it is unfortunate that we have tried to identify it in the geographical terms and perspectives that it has garnered on occasion. I would urge the gentleman to put those thoughts out of his mind because it is a worthwhile, sensible, necessary project, one which all of us should support, and one for which all of us can feel a small sense of satisfaction as we know we are contributing to its forward movement.

Senator FISHER. Mr. President, I, likewise, rise in support of the Committee of Conference report on House Bill No.

383. During the course of the debate on the capital projects and capital funding during most of this Session, much of the emphasis and practically all of the debate has been focused on the Philadelphia Convention Center, and we have heard a pretty good cross-section of the debate and the rhetoric that has gone on regarding the Philadelphia Convention Center just here today in the last five or ten minutes. In addition to the Philadelphia Convention Center, however, and in addition to the many other needed projects that are in this bill for many districts all across this Commonwealth, there is an equally important project in this bill that is vitally important to the economic future of southwestern Pennsylvania. That is one that has not had quite as much discussion, practically none at all on the floor of the Senate, but, perhaps, will be of equal if not more importance to the economic future of Pennsylvania, and that is the funding that is contained within this bill for the proposed Midfield Terminal at the Greater Pittsburgh Airport. The funding contained within this bill, together with the funding stream that was contained within the report of the Committee of Conference on House Bill No. 1676, are indications by this Legislature and by this Administration that we support the efforts in southwestern Pennsylvania that will not only be a big boon to Allegheny County but to all of the counties in southwestern Pennsylvania through the construction of that Midfield Terminal. In addition to that, there are a number of projects included in here for a program that has been named Strategy 21. I think in contrast to some of the competing rhetoric we have seen from the City of Philadelphia and the surrounding counties around Philadelphia during the course of this year, the Strategy 21 blueprint is an example of how officials from both sides of the aisle, from both the public and private sector, have worked cooperatively in western Pennsylvania to bring a blueprint before us. I am proud to say that my support for this bill is there because of these vital projects to my end of the state, as well as my support is coupled for the vital projects in other parts of the state such as the convention center.

Senator ANDREZESKI. Mr. President, I notice with some humor some of the debate going back and forth over the Philadelphia Convention Center. I say with some humor because this is a capital bill, and every time we have a capital bill, everybody has some special interest in the bill. I do not think any of us should be kidding ourselves that many, if not all, of us in this Chamber have some vested interest in some portion of this bill. For those in Philadelphia who have a vested interest I say good luck in having a convention center. It is a unique experience. The City of Erie has a convention center which came about through a capital bill project several years ago, and I say good luck to them. I also would like to comment that I am voting for this capital budget also for my interests in my area, which include Presque Isle and the erosion repair money that is needed to put some decent sand on top of what the Army Corps is spreading out there. With irony and some knowledge of what may happen to you in Philadelphia, I hope it is the final civic center that has the final magic formula that every publicly held civic center in America is looking for, and I sincerely say that.

Senator SCANLON. Mr. President, in order to negate any impressions that in western Pennsylvania there is an anti-Philadelphia syndrome, I would like to state that I am very happy to see in this bill there is a convention center for the second most livable city in Pennsylvania. I support it enthusiastically. I think it will be great, not only for Philadelphia but all of the surrounding areas. The only bad that I wish to befall the City of Philadelphia will happen tonight when I hope the Pittsburgh Pirates beat the Philadelphia Phillies.

The PRESIDENT pro tempore. The Chair agrees with the gentleman.

Senator KELLEY. Mr. President, I do not support this bill on the basis that my particular Senatorial district is enhanced equitably to other Senatorial districts. I would like to say and suggest to Senator Pecora that the real standard to be given in this bill and like bills is very much like the gentleman from Allegheny who just preceded me, Senator Scanlon. We must think of the entire effects of the construction. For instance, I would like to suggest to Senator Pecora that the \$85 million in this bill for the terminal in Allegheny County is very, very important to the constituency he represents as well as to mine, because it is an air transportation hub, and that was pointed out by the gentleman from Allegheny, Senator Fisher, as well. We have to look beyond our own purviews. As the gentleman from Allegheny, Senator Pecora, is aware, the convention business within his own district in the Monroeville Expo situation, where he has fought for the hotel room revenues to generate that, is very important there for the economy and the economic health of his constituents. So, too, it is important to each and every one of us that the City of Philadelphia have a viable convention center. That community, that city, that area and that region have many, many other things that are complementary to the convention and tourism business, but if you do not have that facility to attract and hold the people there, then you are a wasteland. I would suggest to my good friend, the gentleman from Allegheny, Senator Pecora, it is imperatively a greater waste not to have this \$48 million. It is very insignificant, may I say, to the total expenditures. Even your own County of Allegheny has far more dollar values in this bill than the City of Philadelphia and the County of Philadelphia.

I think we have to all be aware that for the City of Philadelphia this is long overdue, that we can again have a viable convention tourism trade in the City of Brotherly Love, Philadelphia, and that will get more tax revenues and help us throughout the Commonwealth in greater tax revenues that we can better serve all of our constituents in each of our Senatorial districts. Therefore, I would urge the gentleman to reconsider his, what I would say, rather narrow, parochial view of this capital budget bill and think of it in the totality of the economic health for all the people of Pennsylvania.

Senator PECORA. Mr. President, I think everyone closed their ears when I made my comments. I made reference to a \$184 million bond issue that is a burden to the taxpayers of Pennsylvania. I made reference to a \$400 million bond issue that will be a burden to the City of Philadelphia. If this

project is not successful and becomes a white elephant, the City of Philadelphia or the Commonwealth will again be called upon to appropriate additional funds. What we are doing, Mr. President, is incurring a debt for twenty years for the taxpayers of this Commonwealth and also having Philadelphia incur a debt that must be paid by Philadelphians. Everything looks good, as did the City of Pittsburgh's convention center, but it caused a rise in taxes in the City of Pittsburgh. It caused other problems with legal cases where the Municipality of Monroeville won the case against the Commonwealth's legislation on a hotel-motel tax, so these problems can also be incurred in the City of Philadelphia. Everybody has high hopes, but one thing we vote upon is expenditures that we are not liable for if they become detrimental to our constituents, Mr. President.

Senator KELLEY. Mr. President, I request a roll call vote.

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—41

Andrezeski	Hopper	Madigan	Scanlon
Armstrong	Howard	Mellow	Shumaker
Bell	Jones	Moore	Singel
Bodack	Jubelirer	Musto	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Lemmond	Reibman	Stout
Fisher	Lewis	Rocks	Wenger
Fumo	Lincoln	Romanelli	Williams
Hankins	Loeper	Ross	Wilt
Helfrick	Lynch	Salvatore	Zemprelli
Holl			

NAYS—9

Brightbill	Kratzer	Peterson	Shaffer
Greenleaf	O'Pake	Rhoades	Tilghman
Hess			

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

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

SUPPLEMENTAL CALENDAR NO. 7

HB 349 CALLED UP OUT OF ORDER

HB 349 (Pr. No. 3875) — 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 349 (Pr. No. 3875) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration, the titling of all-terrain vehicles; providing for sovereign immunity for designating certain areas as snowmobile or ATV routes; and defining certain terms for purposes of the oil

company franchise tax for highway maintenance and construction.

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—50

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

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 1921 CALLED UP OUT OF ORDER

HB 1921 (Pr. No. 3876) — 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 1921 (Pr. No. 3876) — 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 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—50

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

Early	Kratzer	Reibman	Stout
Fisher	Lemmond	Rhoades	Tilghman
Fumo	Lewis	Rocks	Wenger
Greenleaf	Lincoln	Romanelli	Williams
Hankins	Loeper	Ross	Wilt
Helfrick	Lynch	Salvatore	Zemprelli
Hess	Madigan		

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.

CONSIDERATION OF CALENDAR RESUMED

HB 1362 CALLED UP OUT OF ORDER

HB 1362 (Pr. No. 3763) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL OVER IN ORDER

HB 1362 (Pr. No. 3763) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the licensing of chiropractors and the regulation of the practice of chiropractic; establishing the State Board of Chiropractic in the Department of State and providing for its powers and duties; providing for the supervision of schools of chiropractic, for the examination of applicants, for enforcement and for disciplinary actions; providing penalties; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator ZEMPRELLI. Mr. President, on behalf of some of the Members of my caucus, I am requesting that House Bill No. 1362 go over in its order. I will request it first.

Senator STAUFFER. Mr. President, I object to it going over in its order.

Senator ZEMPRELLI. Mr. President, I would move that it go over in its order.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I would ask for a negative vote. This is our final day and I would like to have that bill considered.

The PRESIDENT pro tempore. The question before the Body is whether House Bill No. 1362 will go over in its order. A "yes" vote is to put the bill over, a "no" vote is to vote the bill now.

And the question recurring,

Will the Senate agree to the motion?

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

Senator ARMSTRONG. 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—28

Armstrong	Jones	Mellow	Shaffer
Corman	Kelley	Musto	Singel
Early	Kratzer	Pecora	Stout
Fisher	Lewis	Rhoades	Wenger
Fumo	Lincoln	Rocks	Williams
Hankins	Lynch	Ross	Wilt
Holl	Madigan	Scanlon	Zemprelli

NAYS—21

Andrezeski	Hopper	Moore	Salvatore
Bell	Howard	O'Pake	Shumaker
Brightbill	Jubelirer	Peterson	Stapleton
Greenleaf	Lemmond	Reibman	Stauffer
Helfrick	Loeper	Romanelli	Tilghman
Hess			

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

The PRESIDENT pro tempore. House Bill No. 1362 will go over in its order.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Senator STAUFFER, by unanimous consent, submitted the Report of Committee of Conference on **SB 560**, which was placed on the Calendar.

Senator TILGHMAN, by unanimous consent, submitted the Report of Committee of Conference on **SB 642**, which was placed on the Calendar.

Senator WILT, by unanimous consent, submitted the Report of Committee of Conference on **SB 774**, which was placed on the Calendar.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator HESS, by unanimous consent, submitted the Report of Committee of Conference on **HB 209**, which was laid on the table.

Senator TILGHMAN, by unanimous consent, submitted the Report of Committee of Conference on **HB 2596**, which was laid on the table.

SUPPLEMENTAL CALENDAR NO. 6

SB 560 CALLED UP OUT OF ORDER

SB 560 (Pr. No. 2338) — 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.

BILL OVER IN ORDER TEMPORARILY

SB 560 (Pr. No. 2338) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the sales tax, the personal income tax, the corporate net income tax, the capital stock tax and the realty transfer tax; authorizing a local real estate transfer tax; and making repeals.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 560.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I would like to be recognized only for a facetious remark, in a sense, that this bill was so hot when it came to my desk that I know the full meaning of something being hot off the press.

PERSONAL PRIVILEGE

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

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

Senator LEWIS. Mr. President, literally, this bill has just been delivered to us, and I would ask that we go over it temporarily for a very short time so we can have the chance to at least look at it and read it and understand what is here.

MOTION WITHDRAWN

Senator STAUFFER. Mr. President, I have no problem with that. We can go on with a couple of the other bills while the gentleman has the opportunity to examine it. I withdraw the motion that we adopt the Committee of Conference report on Senate Bill No. 560.

The PRESIDENT pro tempore. Senate Bill No. 560 will go over temporarily in its order.

SB 642 CALLED UP OUT OF ORDER

SB 642 (Pr. No. 2339) — 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

SB 642 (Pr. No. 2339) — 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 adopt the Report of Committee of Conference on Senate Bill No. 642.

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

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVES

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

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

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

The PRESIDENT pro tempore. Senator Lincoln has requested a temporary Capitol leave for Senator Jones. The Chair hears no objection and the leave is granted.

**SUPPLEMENTAL CALENDAR NO. 6
RESUMED**

SB 560 CALLED UP

SB 560 (Pr. No. 2338) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

SB 560 (Pr. No. 2338) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the sales tax, the personal income tax, the corporate net income tax, the capital stock tax and the realty transfer tax; authorizing a local real estate transfer tax; and making repeals.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 560.

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

Senator CORMAN. Mr. President, it has been stated here by several of my colleagues that this bill in Committee of Conference form now is not as we originally had amended the bill and considered it here in the Senate, and it does far more than we anticipated it would. I say that, certainly, with questioning in my voice, because I am not yet sure, I have not yet had an opportunity to read it in its entirety. I am asking that this bill go over temporarily until we have a chance to examine it so that I may know truly how I am voting on this issue.

Senator LEWIS. Mr. President, we should be aware that Senate Bill No. 560 deals with a number of subjects. Included among them are the proposed reductions in the personal income tax as well as the corporate net income tax. I rise to speak not on those subjects because I have no question to raise with them, but the report of the Committee of Conference also deals with the issue of the realty transfer tax and it is that subject which causes me enormous concern. We can start, in a general sense, by recognizing that the language that is in the Committee of Conference report is significantly and detrimentally different than the language that was contained in House Bill No. 146 as amended by this Senate and which is currently on our Calendar at this moment. I make mention of that because I think many of my colleagues, during the course of our deliberations last week, focused on that bill as they became aware of the potential implications of this realty transfer tax proposal. It was in the course of that consideration that we on this floor unanimously adopted amendments, which I believe all of us who understood the impact of the proposals and the amendments agreed were necessary improvements to avoid the possibility of taxing subjects of real estate transfers or leases, which none of us would ever want to tax under any circumstances. And yet, Mr. President, I find when I look at this Committee of Conference report that all of those amendments, improvements, protections and clarifications are now missing. I should not say all of them because there are two small items that remain, but many of the significant items have been removed and are not to be found in this Committee of Conference report. I rise to call this to the attention of my colleagues because I have to suggest to you, as someone who understands real estate practice and who has been involved in it, that this bill will subject real estate transactions to taxation that you would never want to have subject to tax. You are going to throw more pails of cold water on commercial and retail real estate transactions in Pennsylvania than you would ever knowingly or voluntarily do.

Let me give you some examples. If we adopt this bill, any real estate transaction in which you have an equity interest in a property and also lease part of that property will be subject twice to the imposition of the realty transfer tax. Let me come back and simplify that so there is no mistake about what I say.

We are not talking about large office buildings or major shopping center complexes. Let us talk about a little office building in your hometown, a small office building in which you may decide to enter into an agreement with one other person. Each of you may decide to purchase 50 percent of that office building because you want to use the 1,500 square feet for some activity that may be your portion of that equity interest in that building. Let me tell you if we pass this bill that building which you will buy and which you will then occupy for your own office purpose will be the subject of two realty transfer taxes, once when you go through the purchase and, secondly, because under the terms of this act as a lessee you have an equity interest in that building, that makes your lease subject to tax for the full fair market value of that lease, and I cannot even tell you what that is. You will be taxed twice on this simple, common, everyday occurrence. I cannot believe for a moment that you would ever want to have that happen. The amendments we put into House Bill No. 146 eliminated that problem because we knew it was the right thing to do.

Mr. President, let us talk about another situation. Let us talk about a common financing mechanism. It is called sale lease back. Many of you have probably heard that term. Under the provisions of this Committee of Conference report as it now stands, that very common financing mechanism can now be subject again to two levels of taxation in the very same manner as I had mentioned to you that the previous incident would be subject to two levels of taxation. That means if you own a building and you decide it makes more sense for you, or the business in your town owns a building and decides it makes more sense for them to enter into an agreement in which they sell the building and then lease back space, a very common financing mechanism, or in the first instance, they want to buy a building but do not have the money to do it and so enter into an agreement with a third party to buy it and to lease back the space, if that lease, together with options for renewal, is for a term of thirty years, and in most of those transactions they are for that term, then that whole common financing mechanism is again going to be subject to two incidents of tax at the point when it occurs; one tax when you go through the purchase, the second tax when that lease is signed at the very same time.

Let us take another common real estate transaction in the commercial arena. You know, as I think about this I cannot help thinking about the debate and the commentary that has taken place on this floor of the Senate earlier today and during the last week as we have tried to move the budget things forward, when we have talked about wanting to improve the business climate in Pennsylvania. We have all tried to take credit for the various things in which we have participated that promote an improvement in the business climate, and, yes, this very document which is in front of us purports to improve the business climate in Pennsylvania by reducing the corporate net income tax. Well, let me tell you one of the ways in which you are going to terribly dampen the business climate in Pennsylvania.

Another very common real estate transaction is one in which an investor chooses to buy an investment property. Let us use a simple example again of a small shopping center or a small office building. I want to continue to use these examples of small real estate holdings because I do not want anyone to think for a moment that these provisions are unique only to big major developers or major real estate investors. They apply to people at every level of real estate involvement. What you are now going to have is, if in a simple transaction, if there is a small shopping center in your community that is going to be sold to a purchaser, as part of that transaction the purchaser will naturally have an assignment of the leases. That is why you are buying it, for the investment. Well, if any of those leases together with options to renew have a term of thirty years, and many of them do, you are again subjecting that transaction to two levels of taxation when it occurs, the tax on the sale and the tax on the leases. As with each of the other two examples I have mentioned, House Bill No. 146 as we amended it in this Senate and as I believe those of us who have followed this proposed legislation expected the House bill to reflect, those transactions would have been exempt from two levels of taxation. It is only common sense. Then we have the whole problem of the grandfathering clause, again a subject about which I have spoken with many of you. We all know full well that in the simplest possible real estate transaction, the purchase of a house, someone who signed an agreement to buy a house two or three weeks ago is not likely to close on that transaction for two or three or four months. Anybody who has ever bought real estate knows that. This Committee of Conference report changes all of the rules immediately. As for those people who have in good faith, with no knowledge or expectation of any intention to change the rules, entered into an agreement to purchase two weeks ago, three weeks ago, all this proposal does is give them a thirty-day window within which to close their transaction or else they are going to be subject to all the new rules and all the new taxes. You and I know that is impossible in virtually every one of these situations. The bigger the real estate transaction—let us now move to a small office building, to a small shopping center and then go from there into larger transactions—the longer the period of time between the signing of the original documents and the final closing. We, by the adoption of this bill, if that is what happens, are going to tell every one of these people in the Commonwealth of Pennsylvania who in good faith two weeks ago or one month ago entered into transactions, they are going to be hit with double taxation because we are changing the rules in the middle of the stream at a time when they can do nothing about it, when all the terms of the agreements have been negotiated, when all of the parties came to the table, made their best agreement, signed the documents in full expectation and knowledge of what the consequences were going to be or were expected to be, and now we are talking about changing the rules in the middle of the game. And, yes, as you can probably anticipate, I am going to tell you that the changes we adopted in House Bill No. 146 would have protected these kinds of innocent, good

faith transactions and, yes, those safeguards have been ripped out of this Committee of Conference report.

Mr. President, I cannot express how deeply I am disappointed by this document that is in front of me, and I do not ascribe any improper motivation to any of the Members of this Body who may have been involved in it. In fact, quite to the contrary. As we have discussed this issue in the preceding ten days, there was full recognition, full understanding and full agreement that we needed to change the language that had been proposed by the Revenue Department. Somehow or another, in all of the hustle and bustle that has gone on here in the last forty-eight hours, the Revenue Department has snookered all of us. They have totally ignored what we wanted to do in this Senate. They have put their language back into this bill.

As I look at that, I can only think about a conversation I had last week with one of the representatives of the Revenue Department who on the telephone kind of chuckled and told me, "Senator, we are not accepting any amendments. This language is going to go the way we want it."

Well, for a moment, for a few days I thought this Senate was smarter than that, I thought we were more committed than that, and I had gained some confidence and some sense of pride about this legislative process that said we were not simply going to march in lockstep to some folks who wanted to generate revenue, who did not understand the practical aspects of what this proposal would do to our communities, to our people who own, buy and sell real estate, and that means you and me and every one of the businesses, every one of the professions located in each and every one of our communities. I thought we had finally recognized that we are the ones who write the laws, that we are the ones who from time to time have to put out the hand and put on the brake and say, "Wait a minute, guys. You are not being realistic and it is not acceptable to say that you are going to deal with this through Revenue rulings. It is unacceptable to say that you are going to issue regulations and it is unacceptable to try to suggest that maybe at some time in the future we ought to consider making some changes to things that we have already recognized are not acceptable and that will have such serious adverse consequences in our community."

They must be laughing at us over there tonight because we now have in front of us a bill that, with the exception of the oil and gas lease and the thirty-day grandfather window period, says everything they wanted it to say and has ripped out each one of the amendments we put into that document in this Senate. It is a sad night, ladies and gentlemen, and I know we are under real or imagined pressures to adopt these documents, but I, for one, have to say to you that that is not a good enough reason to do something we know is wrong. I have to believe each of you who has followed this situation knows the language in this bill is wrong and should not be adopted. I have to say to you, with that understanding, if we are going to meet our real obligations and responsibilities in this Chamber, then we should fix it. There is no big rush to get out of here by 7:10 p.m., although I, as with each of you,

would like to leave here now, but let us not leave with a job that is such an abomination as what is represented in this bill. This is terrible, it is a nightmare. We have all seen the printing processes work well enough. The House is still in, the people can be rounded up, we can do in this Chamber whatever we put our minds to, and we have proved that time after time before. If we want to avoid an issue, there are a legion of excuses behind which we can hide, but if we agree this is unacceptable language, then with a small commitment of effort, with a small additional expenditure of time, we will do the job right. We will do the job the way it should be done. We will do the job the way our constituents expect it to be done. Most importantly, we are going to make certain we do not create a living hell in our real estate community.

PARLIAMENTARY INQUIRY

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

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

Senator LEWIS. Mr. President, I will spare the parliamentary procedure of asking to divide the question because I am told that is not permissible with a report of a Committee of Conference. I am disappointed to hear that, although I would, before I conclude my remarks, like to ask this point of parliamentary information of the Chair, and that is whether it is possible for the Senate to suspend its Rules so that the question may be divided?

The PRESIDENT pro tempore. Senator, it would not be in order. It is a question of high privilege and that is the same reason I gave Senator Fumo when he wanted to suspend a Rule to amend a report of a Committee of Conference. It would be the same reason I gave him and it would not be in order.

RULING OF CHAIR APPEALED

Senator LEWIS. Mr. President, I am not certain this is a similar situation because I am not suggesting that we amend a report of a Committee of Conference. Rather, what I am saying is that we simply divide two very distinct and separate issues within the report of the Committee of Conference. I understand your ruling is that it would not be appropriate to divide that nor to suspend the Rules to do that, although, Mr. President, with all due respect, it seems to me this Body can do whatever it wants to do. With that thought in mind, in the hope of eventually suspending the Rules, I would appeal the ruling of the Chair with respect to the issue of whether we may or may not suspend the Rules.

The PRESIDENT pro tempore. The issue before the Body is, Senator Lewis has appealed the ruling of the Chair on suspending the Rules for the purpose of dividing the question in a report of a Committee of Conference.

On the question,

Shall the decision of the Chair be sustained?

Senator ZEMPRELLI. Mr. President, I request a roll call vote.

Senator STAUFFER. Mr. President, there is no question in my mind that the Chair has ruled properly. Historically, we are well aware that a report of a Committee of Conference cannot be divided. On that basis, I would please ask the Members to support the ruling of the Chair.

Senator LEWIS. Mr. President, on the issue of the challenge to the Chair, simply so that my colleagues will understand, the point here is I asked whether it was permissible to divide the question. The Chair ruled it was not. I then asked if it was permissible to suspend the Rules so we could divide the question. The Chair ruled it was not. So, I have challenged that ruling of the Chair for the purpose if the ruling of the Chair is overruled by this Body, I would then ask to suspend the Rules so we would then have another procedural vote before we could actually get to the point of dividing the question.

The PRESIDENT pro tempore. For the record, Senator, I think it was your comment on the floor that you could not divide the question, but whatever, you have appealed the ruling of the Chair. An "aye" vote sustains the ruling of the Chair, a "no" vote would be to overturn the ruling of the Chair.

Senator LEWIS. Mr. President, again, simply so there is no confusion, because this has gotten very complicated, the ultimate objective is simply to divide out the realty transfer tax issue so it can be defeated and allow us to pass the remaining portion of the bill.

The PRESIDENT pro tempore. The Chair would respectfully disagree with you, Senator. The Chair has ruled on the historic precedent and the procedural issue, and it is that which you have challenged, nothing else. Your purpose is irrelevant to the appealing of the ruling of the Chair.

The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT pro tempore. Senator Lewis has appealed the ruling of the Chair and that is the motion before the Body. An "aye" vote sustains the ruling of the Chair, a "no" vote overturns the ruling of the Chair.

Senator STAUFFER. Mr. President, as I expressed before, I think the Chair has ruled properly and is historically correct, and I would ask for an affirmative vote on the question.

Senator CORMAN. Mr. President, is it appropriate to make a comment on this motion?

The PRESIDENT pro tempore. The motion is debatable. You may comment, Senator.

Senator CORMAN. Mr. President, I hate to break precedent and I very much would like to agree with the ruling of the Chair, but I think the issue is far more important. Since there appears to be no other way to address this issue, which I find totally incomprehensible, I intend to vote "no."

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I request a temporary Capitol leave for Senator Scanlon.

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

And the question recurring,
Shall the decision of the Chair be sustained?

Senator ZEMPRELLI. Mr. President, I would ask the Chair to articulate the meaning of a "yes" vote and a "no" vote in this instance.

The PRESIDENT pro tempore. The Chair has stated that an "aye" vote sustains the ruling of the Chair, a "no" vote overturns the ruling of the Chair.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Pecora has been called from the floor. I ask for a temporary Capitol leave for him.

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

And the question recurring,
Shall the decision of the Chair be sustained?

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

YEAS—35

Armstrong	Hess	Lynch	Salvatore
Bell	Holl	Madigan	Shaffer
Brightbill	Hopper	Moore	Shumaker
Early	Howard	Pecora	Stauffer
Fisher	Jones	Peterson	Tilghman
Fumo	Jubelirer	Reibman	Wenger
Greenleaf	Lemmond	Rhoades	Williams
Hankins	Lincoln	Rocks	Wilt
Helfrick	Loeper	Romanelli	

NAYS—15

Andrezeski	Kratzer	O'Pake	Stapleton
Bodack	Lewis	Ross	Stout
Corman	Mellow	Scanlon	Zemprelli
Kelley	Musto	Singel	

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

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

And the question recurring,

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

Senator KELLEY. Mr. President, for reasons earlier articulated by the gentleman from Bucks, Senator Lewis, and in addition to other concerns about the consequences of cutting taxes with the unknown impact of Gramm-Rudman-Hollings upon this Commonwealth, it really seems imprudent in the one sense to be doing things that we knowingly comprehend to be wrong, as the gentleman from Bucks said, the negative impact affecting the realty transfer taxes in its expansion and how it is going to affect investment. I would also at this time, Mr. President, for the same reasons, so I do not parallel those reasons that I gave, like to incorporate my remarks that appeared on the 23rd of June 1986 in the debate on Senate Bill No. 1486 which are relevant thereto and I ask unanimous consent to incorporate those with my remarks here now.

The PRESIDENT pro tempore. The Chair thanks the gentleman. The remarks will be spread upon the record.

(The following excerpt from the Senate Journal of June 23, 1986, relative to Senate Bill No. 1486, was made a part of the record at the request of the gentleman from Westmoreland, Senator KELLEY:)

This is the second year, Mr. President, that we have had some significant reductions in the personal income tax and the corporate net income tax rates of this Commonwealth. This Administration has taken a great deal of pride in the fact that has occurred and is about to occur. But just a few moments ago, we heard the gentleman from Delaware, Senator Bell, come and tell us on one of the amendments that it would be much more prudent for money to be used to fund adequately some of the various social services. We have seen an amendment that was just turned down about funding more adequately higher education. There was not a record of that, but that would have been the effect to have the money available. We have had a recent publication put on our desks that talks about the two various, distinguished economic sections of this Commonwealth, the southeast, which is economically healthy, and all the rest of this Commonwealth that is not so healthy. It talks about and shows you a comparison of the unemployment rates, how much more they are variable and higher in the nonsoutheastern section as opposed to the southeastern section. Also, the average income is much, much higher on an average in the southeastern section than it is in the rest of the Commonwealth. I even had a colleague of mine from one of the southeastern sections who visited the southwestern part of the Commonwealth recently and said I never appreciated the devastation economically that you are suffering there.

Mr. President, what I am alluding to and suggesting is that it is irresponsible for us when we are faced immediately down the road with funding by \$150 million the convention center in the great City of Philadelphia. What are we going to do, borrow the money for that like we did the \$200 million just a year and a half ago or a year ago for economic development? So we pay back \$400 million and cut taxes by \$180 million last year. Oh, such fruitful wisdom. We would not survive in our household or our own business if we conducted business that way. But here we are with the public purse, irresponsible as we can be. We are in dire need of stimulating and intensifying every bit of effort with every dollar we have available to make Pennsylvania vital again, and particularly those areas where industry, the production of goods, is going through a transition into the service industry. But somehow we feel it is popular to cut taxes. Let me tell you, Mr. President, last year I happened to be the only Member of the General Assembly who voted against the taxes on the same theory I am verbalizing now, and I never received one criticism from anybody or any group because I spoke on the basis that we should be intensifying our economic development. If nothing else, instead of borrowing money, we should be using the money and pay cash because when we borrow we encumber ourselves and in the next generation it is double, at the very least, the

amount of money we borrow. How foolish it is. Do we think for one moment, Mr. President, the people of this Commonwealth are so naive or ignorant not to recognize that kind of irresponsibility with the public purse? I believe, Mr. President, the people of this Commonwealth are much more wise than we ever give them credit for being. I believe they understand fiscal prudence. I believe, Mr. President, there are many, many needs out there, and we have all been receiving the petitions of those people representing those groups, whether it is rehabilitation, whether it is mental health, no matter what it is, they are innumerable, and as so many people in this Body and the other Body go to the microphone, they talk about how we want to increase certain Commonwealth commitments financially because it will lessen the property tax burden at a local level. Again, we are going to miss the opportunity, Mr. President, because we choose to take the easy road, what we perceive to be popular. I do not, I will not—it is wrong—and I cannot conscientiously vote for this bill for those reasons. I believe, Mr. President, there may be a proper time to cut taxes, but I happen to see the Commonwealth in competition with all of our sister states. I believe we can commit ourselves and regenerate ourselves if we take the resource we have available, not dissipate the \$19 to an average taxpayer, but in combination it will do more than a dog track in McKeesport, it will do more than anything we could possibly do to generate new opportunities for employment. Our young people, our college graduates, our high school graduates, in fact, our unemployed will not be moving out of this Commonwealth if we do it now. Every day, week, month or year that we postpone this financial commitment for economic vitalization is a day when we are going to lose more and more people, our greatest asset, our people, and our young people. I believe, Mr. President, the most conscionable vote we could make is to stand and say no, we are not going to be the populous pursuer, we are going to be steadfast and do the responsible thing, for not just ourselves, but for future generations.

(Conclusion of incorporated remarks.)

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Jones and her temporary Capitol leave will be cancelled.

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

Senator STAUFFER. Mr. President, just a few remarks that I think are important in the issue before us. I think it is important for us to recognize that Senate Bill No. 560 represents a very significant piece of legislation for the people of Pennsylvania with regard to tax reduction. As far as the average individual taxpayer is concerned, for the third straight year we will be reducing the personal income tax, which I believe is a very significant fact to consider. As far as the business community is concerned, we will be reducing the corporate net income tax to a level that finally makes Pennsylvania strongly competitive in the national marketplace. It is a

bench mark, in my judgment, as far as Pennsylvania is concerned. The capital stock and franchise tax is being reduced in two ways, one particularly important to the small employers of the Commonwealth because of the forgiveness of the first \$100,000 of value, and then, of course, the reduction in the prepayment tax which is a goal that many of us have set for some years to achieve the total elimination at some point of prepayment. But the fact that this year we can, for the second year in a row, lower that capital stock prepayment tax, I believe, sends out a very valid, viable, good message to the business community of this state that we are serious about attracting business and we are serious about creating jobs in Pennsylvania. I believe, Mr. President, this legislation is going to not only be beneficial to those who have the taxes lowered but it is going to be beneficial to all of the people of the Commonwealth because it is going to improve the entire climate in Pennsylvania, and I think an improved economic climate, both personally and businesswise, is the strongest, best message we can send out.

Senator ARMSTRONG. Mr. President, I would like to clear up one fact that was brought up and that had to do with taxing of leases. On page 16 and also on page 18, it tells you exactly what type of leases they are applying it to. Only long term leases, leases thirty years or more, will be taxed. Short term leases—and twenty-nine and a half years is considered a short term lease—are exempt, so those leases will not be taxed. So, if someone has a sale and a lease, the lease back will not be taxed unless it is thirty years or more, which is kind of actually a sale.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Helfrick has been called from the floor and I would request a temporary Capitol leave for him.

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

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator O'Pake.

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

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

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Lancaster, Senator Armstrong, for one question.

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

Senator ARMSTRONG. I will, Mr. President.

Senator MELLOW. Mr. President, the gentleman from Lancaster, Senator Armstrong, just indicated to us that a lease under thirty years would not be taxable. Would he also include it would not be taxable if the lessee has an equity interest in the property?

Senator ARMSTRONG. Mr. President, I do not know.

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

I believe, Mr. President, that the major part of the discussion in the argument that has been advanced against this proposal by the gentleman from Bucks, Senator Lewis, dealt not only with the fact of the taxing of the lease but that the individual would have to have an equity interest in the lease and the property.

Senator ZEMPRELLI. Mr. President, with the point he has made, the pivotal section seemed to be on page 20 starting with line 20, describing title to real estate and subsection (2) relating to the pertinent part of that which has given us the problems starts on line 29 with "...an estate in fee simple, life estate or perpetual leasehold, including without limitation a leasehold interest or possessory interest under a lease or occupancy agreement for a term of thirty years or more...." That is the end of that thought. Then it goes on "...or a leasehold interest or possessory interest in real estate in which the lessee has equity." That is a second alternative and the suggestion that any installment purchase would be taxable. It would not make any difference if it was one year. If in the first payment the lessee acquires equity, then the transaction is taxable thereafter. It is not a de minimis situation and if I am incorrect in what I am stating, I would like for somebody to point out to me that part of this bill which would deal with a leasehold interest or possessory interest in real estate in which the lessee has equity.

I would ask a second question. Does not any installment purchaser on real estate after it is being purchased on an installment basis acquire equity after having made the first payment, assuming that he goes into the transaction without having a down payment at all? Then, therefore, it follows that transaction is also taxable even though it becomes taxable twice, once on the fact that it becomes taxable as the equity proceeds and until the installments are paid and then when the transfer is actually made. That is the part that I think is confusing and I throw the question open to those on the other side who would be proponents of this measure. Tell me where I am wrong?

Senator KELLEY. Mr. President, I request a roll call vote.

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

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

YEAS—46

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

NAYS—4

Kelley Lewis Scanlon 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.

SB 774 CALLED UP OUT OF ORDER

SB 774 (Pr. No. 2340) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

SB 774 (Pr. No. 2340) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for special early retirement.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 774.

On the question,

Will the Senate agree to the motion?

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

YEAS—50

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

NAYS—0

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

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

HOUSE MESSAGES

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **HB 209** and **2596**, which were placed on the Calendar.

SUPPLEMENTAL CALENDAR NO. 6 RESUMED

HB 2596 CALLED UP OUT OF ORDER

HB 2596 (Pr. No. 3878) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

HB 2596 (Pr. No. 3878) — 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), providing for a job creation tax credit.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 2596.

On the question,

Will the Senate agree to the motion?

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

YEAS—50

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

NAYS—0

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

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

CONSIDERATION OF CALENDAR RESUMED

SB 223 CALLED UP OUT OF ORDER

SB 223 (Pr. No. 2313) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 223 (Pr. No. 2313) — 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; and providing procedures for the establishment and administration of deferred compensation programs for officers and employees of the Commonwealth and political subdivisions.

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—50

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

NAYS—0

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

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

SB 366 CALLED UP OUT OF ORDER

SB 366 (Pr. No. 2287) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 366 (Pr. No. 2287) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 30, 1895 (P. L. 129, No. 99), entitled "An act to provide for safety guards upon passenger elevators and providing a penalty for violation thereof," further providing for emergency devices on elevators in cities of the first class; and changing the time for compliance.

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—50

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

NAYS—0

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

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

GUESTS OF SENATOR JOHN J. SHUMAKER PRESENTED TO SENATE

Senator SHUMAKER. Mr. President, this is a good break from the routine. I happened to look back and see that seated in the balcony is the wife of one of my college roommates Harry Packer, Lila Packer. She is also the mother of Damian Packer, who was seated right here as a page and just walked out a minute ago. Also with them is their aunt, Olga Knezevic from Belgrade, Yugoslavia. She is an attorney. Also with them is their grandmother, Mirjana Tolmachev. It is with great pleasure that I welcome them to the Senate and I wish we would give them our usual and warm customary welcome.

The PRESIDENT pro tempore. Would those guests of Senator Shumaker who are seated in the balcony please stand so that we may give you a warm welcome.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

SB 1484 CALLED UP OUT OF ORDER

SB 1484 (Pr. No. 2274) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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—50

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

NAYS—0

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

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

SB 1541 CALLED UP OUT OF ORDER

SB 1541 (Pr. No. 2264) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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—50

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

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

NAYS—0

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

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

HB 1337 CALLED UP OUT OF ORDER

HB 1337 (Pr. No. 3802) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1337 (Pr. No. 3802) — The Senate proceeded to consideration of the bill, entitled:

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

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—50

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

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 1553 CALLED UP OUT OF ORDER

HB 1553 (Pr. No. 1896) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1553 (Pr. No. 1896) — The Senate proceeded to consideration of the bill, entitled:

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

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—50

Table with 4 columns of names: Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Hankins, Helfrick, Hess, Holl, Hooper, Howard, 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 1621 CALLED UP OUT OF ORDER

HB 1621 (Pr. No. 2569) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1621 (Pr. No. 2569) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), known as the "County Pension Law," further providing for supplemental benefits.

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—50

Table with 4 columns of names: Andrezeski, Armstrong, Bell, Bodack, Holl, Hopper, Howard, Jones, Mellow, Moore, Musto, O'Pake, Scanlon, Shaffer, Shumaker, Singel

Table with 4 columns of names: Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Hankins, Helfrick, Hess, Jubelirer, Kelley, Kratzer, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Pecora, Peterson, Reibman, Rhoades, Rocks, Romanelli, Ross, Salvatore, 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 2001 CALLED UP OUT OF ORDER

HB 2001 (Pr. No. 2717) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2001 (Pr. No. 2717) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for the payment of interest on overpaid tax.

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—50

Table with 4 columns of names: Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Hankins, Helfrick, Hess, Holl, Hopper, Howard, 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 2325 CALLED UP OUT OF ORDER

HB 2325 (Pr. No. 3206) — Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2325 (Pr. No. 3206) — The Senate proceeded to consideration of the bill, entitled:

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.

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—50

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

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.

REMAINING BILLS REREFERRED

Senator STAUFFER. Mr. President, I move that the remaining bills on today's Calendar be rereferred to the Committee on Rules and Executive Nominations.

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

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

YEAS—47

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

NAYS—3

Bodack Fisher Rhoades

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

The PRESIDENT pro tempore. The remaining bills on today's Calendar will be rereferred to the Committee on Rules and Executive Nominations.

PERMISSION TO ADDRESS SENATE

Senator JONES asked and obtained unanimous consent to address the Senate.

Senator JONES. Mr. President, last Wednesday, my vote was incorrectly recorded on House Bill No. 1644. I would like the record to show that I would have voted in the negative.

The PRESIDENT pro tempore. The remarks of the lady will be spread upon the record.

RECESS

Senator STAUFFER. Mr. President, I would remind the Members that we are awaiting one more supplemental Calendar, a very important one because it will contain the Committee of Conference report on the school subsidy bill. Pending the arrival of that, I would ask that the Senate stand in recess to the call of the Chair.

The PRESIDENT pro tempore. Senator Stauffer has advised the Members of the Senate that we are waiting for the supplemental Calendar on the school subsidy bill and has asked that the Senate stand in recess to the call of the Chair. The Senate will stand in recess to the call of the Chair.

AFTER RECESS

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

SUPPLEMENTAL CALENDAR NO. 8

HB 209 CALLED UP

HB 209 (Pr. No. 3877) — Without objection, the bill was called up, from page 1 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

HB 209 (Pr. No. 3877) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for Commonwealth payments to intermediate units; further providing for demotion of certain employees; further providing for sabbatical leaves and for salary while on leave; providing for the emergency resulting from flooding conditions in Western Pennsylvania with regard to the length of the school year and subsidy reimbursements; requiring instruction relating to the cause and prevention of drug and alcohol abuse; permitting the employ-

ment of a certified addiction counselor by school districts; authorizing the development and offering of programs regarding alcohol and chemical abuse for parents; further providing for annual reports by the Secretary of Education relating to vocational education programs; further providing for the powers and duties of the Board of Governors; further providing for educational subsidies; further providing for payments on account of approved vocational extension classes and preemployment training; further providing for payments for building site costs; further providing for continuing professional development plans and requirements; further providing for the powers and duties of intermediate units to obtain space for facilities; and authorizing a one-year program for the Department of Education to make technology upgrade and acquisition grants on behalf of full-time equivalent undergraduate students attending institutions of higher education in this Commonwealth.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 209.

On the question,

Will the Senate agree to the motion?

Senator ROCKS. Mr. President, while this is close to the end, and I know there is many an anxious person to wrap up the budget process, I want to address a couple of points in the Committee of Conference report which to me is probably one of the most important bills we have voted on in this entire budget process. I say that commending the efforts of the gentleman from York, Senator Hess, the gentleman from Fayette, Senator Lincoln, and the chairs of the Committee on Appropriations who were the negotiators for this Senate on our basic education funding for this season. This bill contains many an important provision affecting virtually every element of the education community in our Commonwealth. House Bill No. 209 provides the vehicle for distributing \$2.175 billion in instructional subsidies, the fiscal lifeblood of our public school system. This bill also allocates some \$34 million in supplemental school funding and provides an innovative and desperately needed \$4 million to those districts, particularly in western Pennsylvania, which have been ravaged by unemployment. This bill allocates more funds to our intermediate units and provides them with the flexibility to spend those funds either directly on special education or to pay for their operating expenses in providing critical services to local school districts. This report of the Committee of Conference implements the proposals recommended to the Senate Committee on Education by the Special Subcommittee on Vocational Education, which was so ably chaired and led by the lady from Northampton, Senator Reibman. There are a few other aspects to this bill but one which I would like to address at this time, Mr. President. In this report of the Committee of Conference it authorizes the expenditure of \$20 million which we have appropriated to provide differential technology grants to our four year colleges, our community colleges and our junior colleges.

In regard to that \$20 million proposal, I would like at this time, if he would agree, to interrogate the gentleman from Fayette, Senator Lincoln.

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

Senator LINCOLN. I will, Mr. President.

Senator ROCKS. Mr. President, I open my question to the gentleman from Fayette, Senator Lincoln, thanking him not just as a conferee but as a budget negotiator from this side of the aisle. In the section of the bill which deals with these surplus grants, House Bill No. 209 provides that technology grants, the first time that we have proposed this particular program, "shall mean money allocated by the Department of Education for education-related materials, capital items, hardware or software necessary for the educational mission of the categories of institutions named herein..." Would the gentleman from Fayette, Senator Lincoln, tell me what the intent of this language is?

Senator LINCOLN. Mr. President, my understanding is that that language is intended to give each school district, each school the flexibility to decide how they want to spend these one time grants. They can choose to spend these funds on major equipment, on capital assets or they can spend these funds on small equipment, instructional supplies or other operating expenses.

Senator ROCKS. Further, Mr. President, would the Senator be so kind as to share with this Chamber his understanding as to whether or not this funding is intended to supplement or supplant spending by any of the institutions?

Senator LINCOLN. Mr. President, I understand this is entirely up to the college or university and they can spend this money in addition to money they are already spending or they can spend it in place of funds they have already allocated.

Senator ROCKS. Mr. President, I thank the able Senator and all of those who participated in putting this report before us for a final vote.

One final point that I regret having to make in this final lap, but it becomes evident to me in looking over this report, if I am looking at it correctly, is that haste, while it is necessary to get through this process, sometimes just may not serve us properly. I have gone through this process myself in understanding in fine detail exactly what I believed this report of the Committee of Conference was to produce. It is my understanding that one of those considerations which dealt with the very meaningful, professional, development program requirement which we were intending to substitute for an onerous regulation adopted by the State Board of Education, that I believe all four caucuses and all conferees fully thought that they were voting upon in producing this report, may by some technical glitch have been overlooked. I am not sure where we leave this issue of masters degree certification that I think we are all intending that we are voting upon. I would like to think that if the technical error is such that the possibility still persists or exists that we might correct it before this bill would finally be implemented. If that be the case, then hopefully the technicians in both Houses on both sides of the aisle will move toward correcting the question that I raise. I say that, understanding that the lady from Northampton, Senator Reibman, from my own caucus, worked very long and hard to bring us

to a point of compromise between particularly the two major teacher organizations in this Commonwealth, and that together, in a bipartisan fashion, I believe we decided that the attaining of a masters degree was a goal that we wanted to enforce in law to be that standard of continuing education that our teachers in the state would seek. Mr. President, with that concern and with the responses from the gentleman from Fayette, Senator Lincoln, I am proud to cast my vote in support of this measure, and I want to once again, in a year that has produced an historic level of funding for basic education, commend those educational conferees and negotiators, and certainly our budget negotiators who, I think, have served not just our school districts but certainly the children who are the future of this Commonwealth in a very historic, inimitable fashion for the coming fiscal year.

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—50

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

NAYS—0

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

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

UNFINISHED BUSINESS SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, July 1, 1986.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 22, 1986, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, September 22, 1986, unless sooner recalled by the Speaker of the House of Representatives.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Charles Farrell, Mr. and Mrs. James Zehfuss and to Mr. and Mrs. Joseph Bubash by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. James Hinderliter, Mr. and Mrs. Harold Caugherty and to Mr. and Mrs. Virgil Buccieri by Senator Early.

Congratulations of the Senate were extended to Brad Book by Senator Howard.

Congratulations of the Senate were extended to James G. McCann by Senator Lynch.

Congratulations of the Senate were extended to Leah Edith Losch, Mr. and Mrs. Willis R. Young, Mr. and Mrs. Robert D. Spotts, Mr. and Mrs. Myles Santschi, Mr. and Mrs. Clifford Sechrist, Mr. and Mrs. William L. Mosteller, Mr. and Mrs. Dayton Kaufman and to Mr. and Mrs. William M. Schleh by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. James B. Hohman by Senator Pecora.

Congratulations of the Senate were extended to Gail Mosko and to John F. Miga III by Senator Reibman.

Congratulations of the Senate were extended to Cornelius D. Holmes by Senator Romanelli.

Congratulations of the Senate were extended to Mr. and Mrs. Louis C. Schake by Senator Shaffer.

Congratulations of the Senate were extended to Dr. Arthur A. Socolow by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. J. Victor DeWeese by Senator Singel.

Congratulations of the Senate were extended to Elvera Bruni, Zigmund J. Mihalik, Mr. and Mrs. Frank Wood, Mr. and Mrs. Frank Chinque, Mr. and Mrs. Paul Somogyi, Mr. and Mrs. Marcel Wazelle and to Mr. and Mrs. Ignatius Sebeck by Senator Stapleton.

PETITIONS AND REMONSTRANCES

Senator RHOADES. Mr. President, I rise today to speak on the reason for my objecting to the committing of House Bill No. 2278 to the Committee on Rules and Executive Nominations. My intent had been to amend this bill with an amendment which would have allowed the production, manufacturing and selling of liquor-filled candies within the Commonwealth of Pennsylvania. I would emphasize that this amendment would have established control by the Liquor Control Board—that was expressed in the language—and it would have been sold only in state liquor stores to anyone twenty-one years of age or older. I emphasize and reemphasize that this is gourmet chocolate for adults. It is not to be sold to children and it never was intended to be. It is not to be sold in grocery stores, movie houses or any other retail outlet.

The other thing we did in terms of changing House Bill No. 251 was to reduce the volume of alcohol in this chocolate

from 6 percent to 5 percent and also modify the Pure Food Law of 1909.

There were two reasons for this. One was to maintain the control, again, as I said, under the LCB and only sold in state liquor stores. There is federal testimony that the effect on this would not be damaging to children, which was a concern. The second point I would bring out is the cost of the candy. This is not a five cent or ten cent item. This runs \$15, \$20 or \$25 a pound. The other thing I would point out is that the percentage of manufacture of liquor-filled candies was only 10 percent of their total.

The second issue, which is probably the most important I address, was the concern of economic development. We had, what was on the books, a factory to be built in the Pocono Mountain Industrial Park. That is located in Monroe County, which is the district I represent along with three other Senators, which would have created 108 new jobs. In talking to Dr. Sitko, the President of Ermark, he said they possibly could have put two shifts on which would have meant 216 jobs.

I would point out that the federal government changed this law this year on February 27, 1986, with President Reagan and the United States Congress signing and approving. It is now allowed and permitted in eleven states and also the District of Columbia, with legislation pending in eighteen other states.

As to the question of whether they were serious about doing this or not, I received this Western Union Mailgram which reads as follows:

"To confirm our meeting of June 24, 1986, the following information is provided.

"1. A draft agreement of sale exists between Pocono Mountain Industrial Park and our group. Agreement cannot be signed until Ermark is allowed to manufacture liquor filled candy. We have placed a deposit on the land, and intend to construct a 90,000 square foot facility thereon.

"2. Representative Battisto, a member of the Park Authority Board, can confirm the above.

"3. The project architect is John Di Pierro of Hazleton, and the construction manager is Hardey Construction of Tobyhanna.

"4. I have in my possession, a letter of intent from Ermark to occupy the facility for the purpose of manufacturing and distributing chocolate products.

"5. While I understand the concern of your colleagues about the intentions of Ermark, I trust that the above will serve to allay their fears. Additionally, I can assure you of Dr. Sitko's personal honor and the fact that distribution contracts for the candy are in place."

It is signed Walter J. McGrath, W.J. McGrath Associates, 16 Park Drive, Tobyhanna, PA.

I would also like to enter some comments into the record from Dr. Sitko, who is President of Ermark:

"The liquor-filled confectionery is allowed in eleven states and the District of Columbia. Federal law was revised to permit interstate commerce in confectionery containing

alcohol so long as the product is manufactured domestically and offered for sale only to those states where it may lawfully be sold under state law."

"In the past two years, the European negotiations with the United States involving the balance of payments and Common Market commerce with the United States included a point involving the sale of gourmet chocolate and liquor-filled items of confectionery to be a part of the total agreement between the United States and the Common Market. The conference is called 'GATT.'

"The Europeans underlined that they are discriminated against and that research and documentation proves that this European chocolate is not hazardous and has no negative effects...Since this involves a territory similar to the United States and population wise larger than the United States, no negative effects were noted during the total time of production and sales. It is the opinion of the Europeans that the know-how produces a...chocolate using less sugar and more cocoa beans and is, therefore, not contributing to obesity or diabetes.

"The 'GATT' negotiations are continuing and will be a part of the agreement between the United States and the Common Market. Therefore, the federal government will soon sign the agreement. Several producers of chocolate want to locate in the United States with its know-how providing jobs and creating industry.

"The attack...on...liquor-filled chocolates created in Europe a feeling that the United States is not interested in the transfer of know-how and industry establishing the fact that the 11 states and Washington, D.C. are already allowing the production and sale of the product domestically and in more than 18 states, legislations are pending. The states allowing the manufacturing, possession and sale of the alcohol-filled chocolate confectionery are California, Illinois, Iowa, Kentucky, Massachusetts, Nebraska, Nevada, New Jersey, Oregon, Washington, West Virginia and the District of Columbia.

"If an agreement between the United States and the Common Market is signed and in effect, it will involve not only the chocolate industry but all other industries and commerce between Europe and the United States."

Dr. Sitko then refers to the authority on these issues and I talked to him personally yesterday from Germany. "Attorney Dr. Gunter von Conrad of Barnes, Richardson & Colburn, Esqs., 1819 H. Street NW, Suite 400, Washington, D.C., whose firm represents not only the chocolate industry but Mercedes Benz USA, tool manufacturing industries and many others who are at the stage to locate in the United States. Any agreement signed by the United States and the Common Market is the prerogative of the federal authorities and has its effect on the states."

From Dr. Sitko I would also note:

"On top of this, knowing the attitude of some misinformed groups in the United States, we definitely asked for the permit and the approval of the Commonwealth of Pennsylvania to manufacture and produce chocolate items including confec-

tionery liquor-filled chocolate items to be under the control of the Pennsylvania Liquor Control Board in question of manufacturing, possession, sale, consumption, importation, use, storage, transportation and delivery of confectionery filled with any amount of alcohol. Every such confectionery shall be sold only in Pennsylvania Liquor Stores."

I point this out because Dr. Sitko has also been involved in locating industry in the United States such as Jena Glass, Schott Corporation, partly Volkswagen USA, the Medical Arts Building in Scranton, the Chamber of Commerce in Scranton, PA and several multi-million dollar investments which went to Texas, North Carolina and South Carolina.

As Ermark, Inc., Dr. Sitko has "been involved with the best Swiss Chocolate industry—Chocolats Camille Bloch, S.A.—which for one decade has been importing a special kosher chocolate to the United States and was interested in establishing a factory and production based on a licensing agreement with Camille Bloch..." Obviously, he chose Pennsylvania because he lived here and he also felt that the 108 jobs could be used and were needed in the northeast. I would also add that, in addition to these 108 jobs, 20,000 liters of milk would be necessary to produce chocolate especially for this market.

The reason I bring this up is because I had asked last week to consider amendments. It was gone over and we were supposed to do it on Monday. As it came to the fact, it was almost like 12:00 or 12:30. It was never offered and it was passed over today. I only hope and pray, because the company had hoped that by July they could have this completed and in eighteen months have had completed a 90,000 square foot factory and have 108 people employed, possibly going to 216 with a double shift. The marketplace, as referred to by one of the industries, is about a \$50 million marketplace. If we were to get half of that, \$25 million, by the 8.5 percent corporate tax along with wage taxes and the jobs they produce, it could have been beneficial to the Commonwealth.

Again, I reiterate that in no way, shape or form was this for sale to children or to be given to children in any way, shape or form. Unfortunately, you saw fit to head in some other direction. I just wanted to put this in the record so the facts are known.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 180**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1298**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENT A2194 TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendment A2194 made by the Senate to **HB 2079**.

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 792, 1813, 1875, 2090, 2098, 2101, 2454** and **2554**.

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **SB 239, 293, 560, 642, 670, 774** and **1277**.

RESOLUTIONS INTRODUCED AND REFERRED

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

July 1, 1986

URGING THAT AN INTERNATIONAL NUCLEAR ENERGY COMMISSION BE ESTABLISHED TO SERVE AS A MECHANISM TO PROVIDE AN IMMEDIATE RESPONSE BY TRAINED PERSONNEL TO ANY NUCLEAR ACCIDENT POSING A SIGNIFICANT THREAT TO PUBLIC HEALTH AND SAFETY

Senator REIBMAN offered the following resolution (**Senate Resolution No. 182**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, July 1, 1986.

A RESOLUTION

Urging that an international nuclear energy commission be established to serve as a mechanism to provide an immediate response by trained personnel to any nuclear accident posing a significant threat to public health and safety.

WHEREAS, A nuclear incident with international effect occurred in the city of Chernobyl, Ukraine Republic, U.S.S.R., on April 26, 1986, which renewed global concern about the level of technological knowledge and responsibility of persons charged with the awesome power of running nuclear power plants; and

WHEREAS, While the citizens of this Commonwealth, victims themselves of the March 27, 1979, incident at Three Mile Island, empathize and sympathize with the citizens of the Chernobyl area, they deplore the useless posture of secrecy and the lack of timely and accurate communication which were exhibited by the leaders of the U.S.S.R. at the time of and following the Chernobyl incident; therefore be it

RESOLVED, That the House of Representatives urge that an international nuclear energy commission be established to serve as a mechanism to provide an immediate response by a team of trained personnel to any nuclear accident which poses a significant threat to public health and safety; and be it further

RESOLVED, That copies of this resolution be transmitted to the Honorable John Harrington, Secretary, Department of Energy, Washington, D.C., and to the Honorable Vernon Walters, Ambassador, the United States Delegation, United Nations, New York, New York.

**ESTABLISHING A SPECIAL TASK FORCE
TO INVESTIGATE THE PROBLEM OF SEXUAL
HARASSMENT IN THE WORKPLACE**

Senators ANDREZESKI, LEWIS, JONES, LYNCH, REIBMAN, SINGEL, STOUT, MUSTO, LINCOLN, SCANLON, ROCKS, KELLEY, MELLOW, ROSS, HANKINS and BODACK offered the following resolution (**Senate Resolution No. 183**), which was read and referred to the Committee on Labor and Industry:

In the Senate, July 1, 1986.

A RESOLUTION

Establishing a special task force to investigate the problem of sexual harassment in the workplace.

WHEREAS, Harassment on the basis of sex is a violation of both the United States Civil Rights Act and the Pennsylvania Human Relations Act; and

WHEREAS, On the basis of those acts, the Commonwealth must ensure that employers do not condone or tolerate the harassment of any employee, whether male or female, through unwanted, unwelcome and unsolicited sexual advances as a condition of employment or in the course of performing his or her job; and

WHEREAS, There are questions concerning the effectiveness of remedies provided for by the courts and the Pennsylvania Human Relations Commission to prevent and eliminate the problem of sexual harassment in the workplace; therefore be it

RESOLVED, That a special task force be established to investigate the problem of sexual harassment in the workplace, to assess the adequacy of existing remedies aimed at preventing and eliminating sexual harassment, and to make recommendations to the General Assembly concerning appropriate actions to educate both employers and employees in recognizing and resolving the problem of sexual harassment in the workplace; and be it further

RESOLVED, That this task force be appointed by the President pro tempore of the Senate and be composed of seven members, including two members from the majority party, one member from the minority party, and four at-large members consisting of two representatives of employers and two representatives of employees; and be it further

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

RESOLVED, That the task force make a full report of its findings and recommendations to the General Assembly no later than 90 days from the adoption of this resolution.

**CHANGE IN COMMITTEE OF CONFERENCE
ON SB 936**

The PRESIDENT pro tempore. The Chair wishes to announce that Senator John D. Hopper has resigned from the Committee of Conference on Senate Bill No. 936 and the President pro tempore has appointed Senator Gibson E. Armstrong to the Committee of Conference on Senate Bill No.

936, replacing Senator John Hopper, and designates Senator Edwin G. Holl as chairman of that committee.

BILLS SIGNED

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

SB 180, 239, 293, 542, 560, 642, 670, 774, 1277, 1298, 1414, 1422, 1447, 1451, 1461, 1462, 1463, 1466, 1468, 1556, HB 209, 383, 384, 385, 792, 1676, 1813, 1832, 1875, 2079, 2090, 2098, 2100, 2101, 2104, 2275, 2454, 2514, 2520, 2528, 2530, 2547, 2554 and 2596.

ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Monday, September 22, 1986, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The PRESIDENT pro tempore. The Senate stands adjourned with the best wishes of the Chair for a healthy, happy and productive summer to all Members and staff of the Senate.

The Senate adjourned at 8:50 p.m., Eastern Daylight Saving Time.