

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 24, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 55

SENATE

WEDNESDAY, September 24, 1986.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Pastor NICHOLAS SALIOS of the American Baptist Churches of the U.S.A., Norristown, offered the following prayer:

Let us pray.

O God, look upon us with compassion, with mercy and with understanding. Give us the light of wisdom, that we might see the pitfalls and errors that lie in our paths. Give us, we pray, a portion of Thy higher knowledge, that we may be able to discriminate between that which is evil and that which is good. And, give us courage ever to do that which is right, and to champion that right; and to fight always against wrong, even if our stand meets with ridicule and contempt. Make us true champions of truth and good servants of those whom we represent. Show us Thy way, O Lord, and lead us in Thy footsteps.

We invoke Thy blessings upon the Senate and all government workers who attend the work at hand. Give us vision beyond the range of this meeting and by Thy wisdom make us wise lest all our efforts be futile. Grant that what we do here may be pleasing in Thy sight and that it may rebound to the mutual benefit and welfare of all we serve. 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 September 23, 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.

BILLS INTRODUCED AND REFERRED

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

September 23, 1986

Senators FISHER, WILT, KELLEY and BRIGHTBILL presented to the Chair **SB 1660**, entitled:

An Act establishing the Environmental Hearing Board as an independent quasi-judicial agency; providing for the membership and staff, powers and duties, seats and existing members of the board; making an appropriation; and making a repeal.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 23, 1986.

Senator SHUMAKER presented to the Chair **SB 1661**, entitled:

An Act authorizing the release of Project 500 restrictions imposed on certain land owned by the Borough of Royalton, Dauphin County, in return for the imposition of Project 500 restrictions on certain land owned by the Borough of Royalton.

Which was committed to the Committee on STATE GOVERNMENT, September 23, 1986.

Senator GREENLEAF presented to the Chair **SB 1662**, entitled:

An Act prohibiting psychological abuse in the workplace; imposing duties upon the Pennsylvania Labor Relations Board; and providing a penalty.

Which was committed to the Committee on LABOR AND INDUSTRY, September 23, 1986.

Senators GREENLEAF and STAPLETON presented to the Chair **SB 1663**, entitled:

An Act creating an independent Department of Mines; transferring powers and duties from the Department of Environmental Resources to the Department of Mines; establishing a Mining Hearing Board; and making repeals.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 23, 1986.

Senators GREENLEAF and REIBMAN presented to the Chair **SB 1664**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for the administrative duties of the Public School Employees' Retirement Board.

Which was committed to the Committee on FINANCE, September 23, 1986.

Senators GREENLEAF and REIBMAN presented to the Chair **SB 1665**, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," providing for the deposit of a former employee's contributions to the Philadelphia County Pension Fund and transfer of the employer's contributions.

Which was committed to the Committee on FINANCE, September 23, 1986.

Senators GREENLEAF, O'PAKE and SALVATORE presented to the Chair **SB 1666**, entitled:

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), entitled "Divorce Code," further providing for counseling; and providing for mediation.

Which was committed to the Committee on JUDICIARY, September 23, 1986.

Senators GREENLEAF, O'PAKE and SALVATORE presented to the Chair **SB 1667**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for counseling; providing for mediation; and further providing for grandparent visitation or partial custody in cases of dissolution.

Which was committed to the Committee on JUDICIARY, September 23, 1986.

GENERAL COMMUNICATION

LIQUOR CONTROL BOARD CONTRACTS

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

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

September 22, 1986

RE: Liquor Control Board Contracts
SPC# 956096, Mastro Mechanical
Systems, Inc.
SPC# 956070, Ed Newman
SPC# 956095, Brandywine Ice Co.

TO: Kenneth Skelly
Chief Counsel
PA Liquor Control Board

FROM: DAVID J. DeVRIES
Chief Deputy Attorney General
Review and Advice Section

We have again reviewed the above-referenced contracts and your memorandum dated September 5, 1986, stating the authority of the Board to make these agreements. For the reasons stated herein, we have determined that the contracts are not statutorily authorized and this memorandum constitutes the notice of that determination under Section 204(f) of the Commonwealth Attorneys Act. 71 P.S. § 732-204(f).

The Liquor Control Board proposes, by these contracts, to furnish and maintain indoor, self-service ice machines or dispensers at various state liquor stores. The Board proposes to purchase ice from the vendors at a wholesale price and sell the ice to state store customers at a retail price to be determined. The vendors will also maintain the machines.

An administrative agency such as the Liquor Control Board has those powers expressly granted by statute or necessarily implied therefrom. Commonwealth v. Butler County Mushroom Farm, 499 Pa. 509 (1982). The implied powers have to be within

the legislative intent. Pennsylvania Builder's Association v. Pennsylvania Public Utility Commission, 85 Pa. Commonwealth Ct. 604, 483 A.2d 1025 (1984). The distinction often made between express and implied authority is that if the statutes give the agency the power to do a certain thing and no express provision is made as to the manner of the power's exercise, those lawful means needed to effect the execution of the power may be implied.

The Liquor Code gives the Board power to establish state liquor stores and manage them. 47 P.S. § 3-301 and § 3-303. The Code also specifically provides that every state store "shall keep in stock for sale such classes, varieties and brands of liquor and alcohol as the board shall prescribe." 47 P.S. § 3-305. Following the general principle and the analysis above, the Board has the power to sell liquor as it is defined in the Code and to decide the manner in which liquor may be sold, provided the manner selected is lawful and reasonable under the circumstances. There is no provision of the Liquor Code which may be interpreted to expand the category of items to be sold in liquor stores. Absent a provision for the sale of a category of items which may be interpreted to include ice and absent any express authority to do so, the Board is without the power to sell ice and, therefore, also lacks the power to enter into contracts for the installation and maintenance of ice machines.

For the reasons set forth above, the contracts are not approved by the Attorney General and are returned to you with this memorandum.

REPORTS FROM COMMITTEES

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

SB 1110 (Pr. No. 2436) (Amended) (Rereported)

An Act facilitating medical treatment decisionmaking by establishing a procedure whereby a person may execute in advance a written declaration indicating to a physician the person's desire for a physician to initiate, continue, withhold or withdraw certain medical treatment in the event the person suffers a terminal illness or injury and is incompetent; requiring in certain cases the provision of nutrition and hydration; and providing penalties.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 307 (Pr. No. 2435) (Amended)

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for penalties.

HB 2072 (Pr. No. 3968) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for rules of evidence in relation to medical records; providing for the use of certified copies and procedures relating to medical records; providing for the liability of directors and officers of business and nonprofit corporations; and making repeals.

DISCHARGE PETITION

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

In the Senate, September 24, 1986.

A PETITION

To place before the Senate the nomination of Elizabeth Bartle as a member of the State Art Commission.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Elizabeth Bartle, Philadelphia, Pennsylvania, as a member of the State Art Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

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

LEAVES OF ABSENCE

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request legislative leaves on behalf of Senator Lemmond and Senator Brightbill for today's Session.

The PRESIDENT pro tempore. Senator Loeper has requested legislative leaves of absence for Senator Lemmond and Senator Brightbill. The Chair hears no objection. The leaves will be granted.

Senator LINCOLN. Mr. President, I would ask for temporary Capitol leaves for Senator Early, Senator Rocks, Senator Romanelli and Senator Ross and legislative leaves for the day for Senator Hankins and Senator Lynch.

The PRESIDENT pro tempore. Senator Lincoln has requested temporary Capitol leaves for Senator Early, Senator Rocks, Senator Romanelli and Senator Ross and legislative leaves for Senator Hankins and Senator Lynch. The Chair hears no objection. Those leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS
AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 490 (Pr. No. 3927) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the preservation of works of fine art and for the rights of artists.

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 Early. His temporary Capitol leave will be 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—48

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, Senator Scanlon has been called to his office to meet with some constituents and I would request a temporary Capitol leave for him.

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

GUESTS OF SENATOR JOHN STAUFFER PRESENTED TO SENATE

Senator STAUFFER. Mr. President, in the gallery today we have a very special group of visitors, as far as I am concerned, from the Phoenixville Chamber of Commerce, the Chamber of Commerce of my home community, made up of many people who have been longtime friends of mine. I would

ask if the Senate would join me in giving our usual warm welcome to those who are here today under the leadership of the Director of the Phoenixville Chamber of Commerce, Mrs. Dorothy Panoc, and give them our warm welcome.

The PRESIDENT pro tempore. Would those guests from the Phoenixville Chamber of Commerce who are the guests of Senator Stauffer please rise so we may give you a warm welcome.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1125 (Pr. No. 2425) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding judges of the courts of common pleas of the first, third, fourteenth, twenty-third, thirty-second, thirty-third, thirty-eighth, thirty-ninth and forty-fifth judicial districts.

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 STAUFFER. Mr. President, I would point out to the Members that in the original marking they received, this bill was marked to go over, but there has been a remarking and the bill will run at this time.

And the question recurring,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 1371 (Pr. No. 2405) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," adding a retirement board member.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

HB 2330 (Pr. No. 3928) — 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 third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Ross is on the floor and his temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1649 (Pr. No. 2424) — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce of the fiscal year 1986-1987.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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.

BILL OVER IN ORDER TEMPORARILY

HB 491 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1362 (Pr. No. 3956) — 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 colleges of chiropractic, for the examination of applicants, for

enforcement and for disciplinary actions; providing penalties; and making repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator PETERSON. Mr. President, yesterday we passed an amendment that made drastic changes to the Chiropractic Act that had been before us. I guess one of the things I wanted to point out was, I believe many of us really do not understand in detail how we affected the Pennsylvania Chiropractic School with the amendment we passed. The amendment that had been circulated earlier in the day differed from the amendment that was actually offered on the floor yesterday, and many of us were not totally aware of how it would impact the school. I know this has been a very, very difficult issue for all of us because it is professions fighting among themselves. I believe, when we finally pass the Chiropractic Act, we should not get into the philosophical issues as we have, that we should try to provide a chiropractic law that allows the professions and the different philosophies in that profession to live and let live. I believe the bill as it was amended yesterday will not allow that to happen.

I will give you just a little bit of background on the chiropractic school that has been criticized by some. This school has been under attack by the board for many years and it has always won in the courts. That has been going on for seven years. If I understand the amendment correctly, the board will have more ability to, as you might say, "jerk the school around," as they have in the past, with the new law than they did under the old law. I think that is unfortunate because the record shows the graduates of that school have had no problems and, in fact, have done very well on the boards that they passed to become licensed. They have done above average, they have scored very well and have had no problems being licensed under Pennsylvania's tests. I think that shows us this school has been a quality school, and we should allow them to live even though they are philosophically different than other chiropractors in their views.

MOTION FOR BILL OVER IN ORDER

Senator PETERSON. For the reasons stated, I would move that we go over the bill today and then consider it on Monday when everybody can understand exactly what we are doing as far as the school is concerned.

On the question,

Will the Senate agree to the motion?

Senator RHOADES. Mr. President, in the amendment which was distributed yesterday, which I hope everyone received a copy—at least I know it was received in the Republican caucus—the only modification that was made was in the second paragraph dealing with financial interest. That section was to be deleted through the amendment which changed back and said no one shall have a financial interest, and

limited the number of people from the board saying that no two members from the same school of chiropractic could serve on the board. Other than that, everyone had copies of that and they were available all the way through. Regarding certification of the schools of chiropractic in the United States, only two have not been certified by the Council of Chiropractics or Department of Education using the national standards referred to by most chiropractors. I would add to that that if the school is doing so well, and it is going so well, there should not be any difference in terms of the information presented or learned, or fearing the taking of the test. I do feel that chiropractors trained in Pennsylvania and practicing in Pennsylvania should be as good as, should be as well trained as any other chiropractor in the United States. I would say that this certification process is also extending to the schools of chiropractic outside the United States. It is going into an international level. I think it is important that even if it is not practiced philosophically, all information be learned, then narrow down your degree or philosophical preference for practice and practice from there.

Mr. President, I object to the bill going over.

The PRESIDENT pro tempore. Was there a request for it to go over?

Senator PETERSON. Mr. President, I made a motion at the conclusion of my comments that the bill go over to allow us to fully understand the implications of what we did yesterday.

The PRESIDENT pro tempore. Senator Peterson has moved that House Bill No. 1362 go over in its order and Senator Rhoades has indicated he objects to the bill going over. Do you wish to discuss further, Senator, the motion to go over?

Senator RHOADES. Mr. President, if I could state from the standpoint that this bill has been here all summer long, we have discussed it. I think it is to the point of understanding. I think we can understand it as well as we can. Let us cast the vote and let it lay where it may.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—17

Bodack	Kelley	Moore	Salvatore
Early	Kratzer	O'Pake	Shumaker
Greenleaf	Lewis	Peterson	Stapleton
Hess	Lincoln	Reibman	Tilghman
Jubelirer			

NAYS—31

Andrezeski	Holl	Musto	Singel
Armstrong	Hopper	Pecora	Stauffer
Bell	Jones	Rhoades	Stout
Brightbill	Lemmond	Rocks	Wenger
Corman	Loeper	Romanelli	Williams
Fisher	Lynch	Ross	Wilt
Fumo	Madigan	Scanlon	Zemprelli
Hankins	Mellow	Shaffer	

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

And the question recurring,
Shall the bill pass finally?

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

YEAS—35

Andrezeski	Holl	Madigan	Scanlon
Armstrong	Hopper	Mellow	Shaffer
Brightbill	Jones	Moore	Singel
Corman	Kelley	Musto	Stout
Fisher	Lemmond	Pecora	Wenger
Fumo	Lewis	Rhoades	Williams
Greenleaf	Lincoln	Rocks	Wilt
Hankins	Loeper	Romanelli	Zemprelli
Hess	Lynch	Ross	

NAYS—13

Bell	Kratzer	Reibman	Stapleton
Bodack	O'Pake	Salvatore	Stauffer
Early	Peterson	Shumaker	Tilghman
Jubelirer			

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.

ANNOUNCEMENT BY MINORITY WHIP

Senator LINCOLN. Mr. President, it gives me a great deal of pleasure to make an announcement today and it is not a recording that is stuck. It is a new announcement and it is probably a record that will stand forever. I think there will be very few Senators who will even come close to it, but our Senator James Ross from Beaver County, for the second time this week, became a grandparent—and that just happens to be number twenty. It is a new Senate record, two in two days. At 8:35 a.m. today in Beaver Medical Center, an eight pound, fourteen ounce baby boy was born. His name is Stephen James Ross, and he is the son of James Ross, Jr. and the very proud Kathy Ross, his wife. I think we owe at least a round of applause and our congratulations to Senator Ross on this wonderful occasion that has happened to him twice this week. Jim, you have our congratulations.

The PRESIDENT pro tempore. The Chair shares Senator Lincoln's remarks and congratulates the Ross family for having a score, a real score. We are delighted for the happiness of the Ross family and, certainly, give you our warm applause.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 1514 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

LEGISLATIVE LEAVE

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

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

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2174 (Pr. No. 3957) — 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 continuing professional development plans and requirements.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

BILL REREFERRED

HB 595 (Pr. No. 3959) — 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 officers and employees of the Commonwealth and political subdivisions.

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

BILLS ON SECOND CONSIDERATION

SB 1275 (Pr. No. 2411) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the County of Washington, 588.9263 acres of land, more or less, situate in North Strabane and Cecil Townships, Washington County, Pennsylvania.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

HB 1626 (Pr. No. 2078) — The Senate proceeded to consideration of the bill, entitled:

An Act repealing certain acts relating to gypsies.
Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

SB 1633 (Pr. No. 2421) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to the liability of directors and officers of business and nonprofit corporations; and making repeals.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 1634 (Pr. No. 2422) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," creating a Division of Insurance Fraud in the Insurance Department and prescribing its powers and duties; imposing duties on insurers relating to fraud reporting; establishing a cause of action for persons who have suffered an insurance fraud; granting civil immunity to certain persons; imposing penalties; further providing for theft by agents, brokers and public adjusters; and making repeals.

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

BILLS ON SECOND CONSIDERATION

SB 1635 (Pr. No. 2380) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding provisions relating to insurance fraud and solicitation for the purpose of making insurance claims; further providing for the financial security and for the fee for reinstatement of the operating privilege or registration; and imposing penalties.

Considered the second time and agreed to,

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

SB 1638 (Pr. No. 2383) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation and licensing of mortgage bankers and mortgage brokers; imposing additional powers and duties on the Department of Banking; and providing penalties.

Considered the second time and agreed to,

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

SB 1650 (Pr. No. 2395) — The Senate proceeded to consideration of the bill, entitled:

An Act designating the first Sunday in October as "I Am an American Day."

Considered the second time and agreed to,

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

SB 1651 (Pr. No. 2396) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," establishing the Pennsylvania Liability Underwriting Services Plan; and providing for financial disclosure.

Considered the second time and agreed to,

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

SB 1652 (Pr. No. 2423) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted and amended, "Regulatory Review Act," further providing for the membership of the Independent Regulatory Review Commission and for the procedure for regulatory review; providing for sunset review for the commission; and making repeals.

Considered the second time and agreed to,

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

HB 2120 (Pr. No. 3939) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the County of Delaware, in return for the imposition of Project 70 restrictions on certain lands owned by the County of Delaware.

Considered the second time and agreed to,

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

HB 2154 (Pr. No. 3958) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring persons engaged in the rental of motor vehicles who arrange liability coverage for the lessee to ensure that certain coverage is included; imposing liability for failure to do so; and regulating collision damage waiver provisions of rental agreements.

Considered the second time and agreed to,

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

HB 2305 (Pr. No. 3182) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Township of Sewickley, Westmoreland County.

Considered the second time and agreed to,

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

HB 2417 (Pr. No. 3372) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1937 (P. L. 1969, No. 389), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate

names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act," further providing for dissolution.

Considered the second time and agreed to,

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

HB 491 CALLED UP

HB 491 (Pr. No. 1611) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator STAUFFER.

BILL LAID ON THE TABLE

HB 491 (Pr. No. 1611) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the consignment of crafts and works of art; protecting the rights of artists; and providing for civil liability.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator STAUFFER. Mr. President, I move that House Bill No. 491 be laid on the table.

The PRESIDENT pro tempore. Senator Stauffer moves that House Bill No. 491 be laid on the table. The issue is not debatable.

On the question,

Will the Senate agree to the motion?

Senator WILLIAMS. Mr. President, I want to inquire as to how would I object to House Bill No. 491 being laid upon the table?

The PRESIDENT pro tempore. You just have. You could ask for a roll call vote.

Senator WILLIAMS. Mr. President, in that I strongly object to this bill being laid on the table because of urgent and fundamental reasons, I ask for a roll call vote in opposition to House Bill No. 491 being laid upon the table.

Senator ZEMPRELLI. Mr. President, I would just quote the late and very renowned and respected pugilist Joseph Louis who said, "You can run but you can't hide." If this motion succeeds today, we are going to deal with it before we leave.

LEGISLATIVE LEAVE

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

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

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—25

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

NAYS—22

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

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

The PRESIDENT pro tempore. House Bill No. 491 will be laid on the table.

LEGISLATIVE LEAVE CANCELLED

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

UNFINISHED BUSINESS

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD OF EDUCATION

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 James P. Gallagher, 3400 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 1989, and until his successor is appointed and qualified, vice Dr. John Hershey, Hershey, whose term expired.

DICK THORNBURGH.

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

August 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 Alice J. Winner, R. D. 1, Box 297, Emmaus 18049, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve for three years or for so long as she is a full-time undergraduate student in attendance at the university, whichever period is shorter, if she qualifies academically, vice Brenda Stewart, graduated.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF PSYCHOLOGY

August 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 Von Ewing Keairns, Ph.D., 5419 Northumberland Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Psychology, 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, vice Theodore Lewandowski, Drexel Hill, 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 Harry Davis, R. D. 6, Box 151-A, Agnew Road, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES
OF WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

August 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 Maria Luongo, 420 Yuhass Drive, Paramus, New Jersey 07652, Bergen County, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve for three years or for so long as she is a full-time undergraduate student in attendance at the university, whichever period is shorter, if she qualifies academically, vice Christopher Asplen, graduated.

DICK THORNBURGH.

DISTRICT JUSTICE

August 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 William K. Kutz, Jr., 264 Lexington Road, Schwenksville 19473, Montgomery County, Twenty-fourth Senatorial District, for appointment as District Justice in and for the County of Montgomery, Magisterial District 38-1-20, to serve until the first Monday of January, 1988, vice Bernard Maher, resigned.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

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

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

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

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

MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL

September 19, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 11, 1986 for the reappointment of Sam Falbo, Jr., 74 Laurel Street, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified.

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

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

August 12, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 11, 1986 for the appointment of James A. Armour, 3839 Hilltop Drive, Gibsonsia 15044, Allegheny County, Fortieth Senatorial District, as a member of the State Board of Physical Therapy, to serve for a term of two years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frederick A. Monaco, New Kensington, whose term expired.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

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. Edmund S. Ostrowski by Senator Bodack.

Congratulations of the Senate were extended to the Black United Fund of Pennsylvania, Inc. by Senator Jones.

Congratulations of the Senate were extended to the Pennsylvania Restaurant Association by Senator Jubelirer.

Congratulations of the Senate were extended to the Westmoreland Bar Association by Senator Kelley and others.

Congratulations of the Senate were extended to Mr. and Mrs. Julio Santos and to Mr. and Mrs. Henry P. Bergstrasser by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. James J. Mellow, Sr. by Senator Mellow.

Congratulations of the Senate were extended to Harry Frantz by Senator O'Pake.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 307 and **HB 2072**.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator O'PAKE. Mr. President, on Monday, I and several colleagues from both sides of the aisle introduced emergency legislation affecting the upcoming elections for Governor, Lieutenant Governor, state Senate and the House of Representatives. Because the Senate leadership apparently does not intend to call up that bill, Senate Bill No. 1654, before the election, I want to bring the issue directly to the attention of the full Senate and the thousands of elderly and handicapped voters who could find that their votes for state offices literally

will not count on Election Day. Failure to act now to change our State Election Board's proposed implementation of a new federal mandate will nullify thousands of votes in November.

In 1984, Mr. President, by way of background, Congress passed the Voting Accessibility for the Elderly and Handicapped Act so those people would have a meaningful right to cast their votes on the day of the election. Congress realized that many of our local polling places resemble obstacle courses rather than places where people are encouraged to freely exercise their right to vote. Stairways and other barriers present a frustrating and sometimes impossible hurdle to the potential voter. The problem is particularly bad in Pennsylvania, unfortunately, where a statewide survey done for the primary showed a total of over 4,000, or 42 percent, of our polling places are inaccessible to the disabled.

In an attempt to bring Pennsylvania into compliance with the new federal mandate, this state's Elections Bureau has made provisions for a paper alternative ballot, which can be requested of the County Elections Board by elderly and handicapped voters who reside in a voting district which has an inaccessible polling place. That alternative ballot may then be mailed back to the county or hand-delivered on Election Day to an accessible polling place.

Unfortunately, because the Pennsylvania Election Code requires that all paper ballots be returned no later than 5:00 p.m. on Friday preceding the election, polling precinct workers would be barred from counting those votes cast for state elections when the alternative ballots are received after that 5:00 p.m. Friday deadline. Only votes cast for federal offices could be validated.

It makes no sense, Mr. President, to encourage our elderly and handicapped citizens to vote and to take advantage of the new alternative ballots when their votes will not be counted for state and local offices.

I am taking this opportunity to bring this matter to your attention, Mr. President, and especially to the attention of the Republican leadership of the Senate, so that no one will be able to say, "We did not know there was a problem or we would have corrected it." We have that opportunity to correct it now.

My bill simply says that when these alternative ballots are being counted on November 4, 1986, the election boards shall also count votes cast on those same ballots for Governor, Lieutenant Governor, state Senate and state House of Representatives.

Mr. President, I am sure none of my colleagues, especially those running this year, would consciously discard the votes of elderly and disabled voters. I would ask them, then, to join me in insisting that this issue be addressed next week, whether in my bill or in some other House-passed vehicle. Otherwise, all the cynics who say, "My vote does not count," will finally be proven right.

Senator SINGEL. Mr. President, today I received some very encouraging news from the Department of Commerce with regard to the clean coals technology project that is being developed for the Cairnbrook area in my region. I wanted to

share with my colleagues the strong support that has been offered by the Department of Commerce in the form of a press release that was issued today. I read very briefly from that. This is quoting Mr. Kant Rao from the Commerce Department, the Deputy Secretary for Technology and Policy Development:

“Clean coal technologies are essential to our goal of broadening markets for Pennsylvania coal. The state’s \$2.5 million investment in this project makes sense both economically and environmentally. We understand that the Department of Energy is still negotiating with the Kellogg Company, but we want to leave no doubt that the Administration fully backs this proposal.”

Mr. President, yesterday I indicated my strong support for this particular project, and I continue to believe that it could be a significant new source of employment opportunities for people in a very highly depressed area. I am very pleased that the Administration and the Department of Commerce have joined in the effort to support and encourage this kind of development. While the details are not known yet, while the negotiations are ongoing between the Kellogg Company, the U.S. Department of Energy, the state Legislature and the state Administration, I am now convinced there is a commitment to provide the \$2.5 million necessary to move this project ahead. It was for this reason that I felt it unnecessary to offer the amendment to the Sunny Day Fund. Having listened to the words of the Majority Leader following the Session last evening, I agree that we have to move carefully and cautiously in the direction of expending those funds, and we have to make sure that the projects are worthwhile. I want to say for the record that I am willing to work with anybody in a very progressive, nonpartisan fashion to move ahead in the direction of creating jobs, particularly in areas that are economically depressed.

Mr. President, I would appreciate it if I could enter into the record the full text of the press release issued today by the Department of Commerce, along with the resolution that has previously been adopted by the Pennsylvania Energy Development Authority, placing this Administration and the state government strongly on record in support of this project. I thank you, Mr. President, and I thank my colleagues for their indulgence.

(The following press release was made a part of the record at the request of the gentleman from Cambria, Senator SINGEL:)

HARRISBURG (Sept. 24)—Pledging “the Commonwealth’s full support to help bring this emerging energy technology to Pennsylvania,” Kant Rao, Commerce Department Deputy Secretary for Technology and Policy Development, today announced the state’s support for a planned \$175 million “clean coal technology” project which would be located in Somerset County.

The project is one of nine selected in July by the federal Department of Energy (DOE) to demonstrate a new generation of environmentally clean coal concepts.

“Clean coal technologies are essential to our goal of broadening markets for Pennsylvania coal,” Rao said. “The state’s \$2.5 million investment in this project makes sense both economically and environmentally. We understand that the Department of

Energy is still negotiating with the Kellogg Company, but we want to leave no doubt that the Administration fully backs this proposal.”

The \$175 million facility would be funded with \$85 million from DOE, \$87.5 million from the firm, and \$2.5 million from the Commonwealth.

The M.W. Kellogg Company of Houston, Texas, plans to demonstrate an advanced integrated coal gasification combined cycle system in a facility to be located at Cairnbrook, Somerset County. The firm would convert 485 tons per day of bituminous coal into a low-BTU fuel gas for use in an advanced combustion turbine generator, coupled to a heat recovery steam generator.

The steam generated from the combustion turbine exhaust and from the gasifier product gas heat recovery would be fed to a steam turbine generator. This 60-megawatt demonstration project will feature in-bed desulfurization and a hot-sulfur-removal polishing step. Particles will be removed by the use of a sintered metal filter.

The system, if demonstrated as proposed, would have possible applications in various sizes of commercial plants, as well as in cogeneration and retrofitting of combustion turbines and gas-fired combined cycles.

A second Pennsylvania project was also among the nine winners. The Pennsylvania Energy Development Authority has already awarded a \$200,000 grant to Coal Tech Corporation of Marion, which will conduct a 1,000-hour test to demonstrate the performance of an advanced, air-cooled cyclone combustor with dry, pulverized bituminous coal. The project will be conducted in Williamsport, Lycoming County.

(The following resolution was made a part of the record at the request of the gentleman from Cambria, Senator SINGEL:)

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY
RESOLUTION

WHEREAS Pennsylvania has extensive bituminous coal reserves in excess of 27 billion tons; and

WHEREAS Pennsylvania coal production is depressed as a result of the economic and environmental constraints placed upon the use of Pennsylvania coal; and

WHEREAS The U.S. Government has established a Clean Coal Technology Program to provide funds for the construction and operation of facilities that would demonstrate the feasibility of future commercial applications of such technology; and

WHEREAS KRW Energy Systems Inc. has developed a coal gasification combined cycle power generation technology at its facilities and offices in Madison, Pennsylvania; and

WHEREAS The M. W. Kellogg Company as the majority owner of KRW Energy Systems Inc. has proposed the Appalachian Project in Cairnbrook, Somerset County, Pennsylvania; and

WHEREAS The Appalachian Project will incorporate the KRW Energy Systems Inc. technology to produce electric power from Pennsylvania coal in an efficient, environmentally acceptable manner; and

WHEREAS The Appalachian Project will provide new construction, operation and mining employment opportunities for Pennsylvanians; and

WHEREAS The Appalachian Project will lead to the commercialization of technology which will create future markets for Pennsylvania coal.

NOW, THEREFORE, BE IT RESOLVED that the Pennsylvania Energy Development Authority endorses the Clean Coal Technology Program and the Appalachian Project; and

BE IT FURTHER RESOLVED that the Pennsylvania Energy Development Authority will utilize its good offices to appropriately encourage the Appalachian Project.

Approved this 8th Day of April, 1986

WILLIAM A. ROTH, P.E.
Executive Director

LAWRENCE B. ABRAMS III
Chairman of the Board

Senator STAUFFER. Mr. President, as a follow-up to the remarks of the gentleman from Cambria, Senator Singel, I, first of all, would like to point out how positive a signal I believe we sent with the passage of the legislation today with regard to the Genesis Project. I think it is very important for Pennsylvania and I think it is a very positive step. I can add to what the gentleman said regarding the project in which he has the interest. After yesterday's Session I did look into the matter with the Administration. I found out that the Administration is extremely supportive of this project. They view it to be another excellent opportunity for economic development in Pennsylvania and are very positively committed to it. I did learn that probably the hurdle that is most important that we get over now is to hope that the Department of Energy of the federal government selects this project for approval through its funding mechanism and if that happens, then my understanding is there will be a go on this project and the Administration has indicated to me, as it did to the gentleman from Cambria, Senator Singel, that the \$2.5 million that would be needed as a state assistance in this project definitely will be made available. I might point out that we do have a number of funds that can be looked to and I am advised that a proper fund will be identified and that the funding would come forth and this project would go forward with the full support and enthusiastic commitment of the Commonwealth.

Senator FUMO. Mr. President, I rise for a brief statement. I want to read a quote which is not mine, but originally appeared in the Wall Street Journal on May 14, 1952, in an article or an editorial—I am not sure which—entitled "Hobson's Choice." It was recently republished in the brochure for the commissioning of the USS Bunker Hill over the weekend. The reason for my wanting to put it into the record is that I think it is applicable to an awful lot of people and sometimes we often forget. But most recently in Philadelphia, we have a squabble now going on between our mayor and our former district attorney, and the issue of MOVE arose again, and the mayor has now said that Ed Rendell is as much to blame as he because he gave him an opinion or something or somewhere else. I think the mayor should be aware of this quote as all chief executives should be, and I would like to read it. It is entitled, "Hobson's Choice." It refers to the captain of a ship as well as a captain of a state.

"On the sea there is a tradition older even than the traditions of the country itself and wiser in its age than this new custom. It is the tradition that with responsibility goes authority and with them both goes accountability.

"This accountability is not for the intentions but for the deed. The captain of a ship, like the captain of the state, is given honor and privileges and trust beyond other men. But let him set the wrong course, let him touch ground, let him bring disaster to his ship or to his men, and he must answer for what he has done. No matter what, he cannot escape.

"It is cruel the accountability of good and well-intentioned men. But the choice is that or an end to responsibility and finally, as the cruel sea has taught, an end to the confidence and trust in the men who lead, for men will not long trust leaders who feel themselves beyond accountability for what they do.

"And when men lose confidence and trust in those who lead, order disintegrates into chaos and purposeful ships into uncontrollable derelicts."

Senator WILLIAMS. Mr. President, I rise to comment on part of the day's actions on House Bill No. 491 which was tabled. I intended to offer amendments to that bill which would address the shameful practice of apartheid in South Africa, an issue well discussed and well known now throughout the world and on the lips of even babes in our countries and in our cities. House Bill No. 491 has been sitting in the Senate for approximately a year. Today it is tabled. I would hope that was not a suppression or tabling of any action that would tend to oppose, reject and ultimately destroy the immoral and illegal system called apartheid. I need not say that in South Africa today are practices against human beings which amount to legalized murder, discrimination, segregation, oppression, and it is daily. I would venture to say that our familiarity with the six million people who died in Nazi Germany, and other atrocities of a mass scale, apartheid is even more basic because it is cooperated with daily by nations of some respectability, including our own country. It is time that a Body called the Senate of Pennsylvania responds or deals with this issue by stating clearly and unequivocally that for any part of mankind to live and die on the basis of their race, religion or any other such standard, and not to enjoy the fruits of living given by God, is something that we will stand up as politicians and diplomats and, yes, as people of God, and say "no," and say "never again." We have not taken one small step as the issue swirls around us every day. There were bills by the gentleman from Philadelphia, Senator Hankins, and myself last year that languished in committee. There were bills this year by the gentleman from Philadelphia, Senator Hankins, and myself that languished in committee, and today to amend this and to state that no state bank gets money from this state and these taxpayers if it promotes in its daily business, by loan or otherwise, that illegal system called apartheid.

Mr. President, I have not spoken on this issue as such for many months, and the reason I have not spoken is because I thought that, indeed, by now, as we moved along, there would be some voices of encouragement and that I would not stand to begin a discussion of this issue and, hopefully, a piece of legislation that came over from the House would be responded to by now, but it is buried. I say what are our elections that are supposed to be a crowning glory of democracy all about if, indeed, as we approach an election the parties who would offer their leadership that is encased by the word of God every time we meet, that is blessed by the Spirit every time we meet and cannot whimper in response to a monumental mass crime against brothers and sisters of God? I

hasten to add six million people died in Germany largely because of the corruption, the silence of the so-called respectable nations and powers, and it was said, "never again." Well, if it happens in South Africa instead of in Europe, it is again. If it happens in Philadelphia instead of Nazi Germany, it happens again. Any time it happens, it happens again and it happens because of the reason it happened the very first time. I suggest that the here and the now is with us. Apartheid in South Africa is an inescapable matter that demands the concern of those who are in position of governmental responsibility. The absence of governmental responsibility was the reason for the first time and the second time and the third time. So, rather than to table whatever we may table, I urge it upon this Body to quickly respond and to demonstrate by clear and unequivocal terms and leadership as to where the Pennsylvania Senate is on an issue that we thought would never arise again.

I thank the Jewish people who say "never again," and I say that is a phrase and an expression that speaks not in limited terms but to all of us. I urge upon our Body, this Senate, actions that speak and send a clear message no matter what the Governor may say, no matter what the House may say, no matter what other people may offer, to recognize that if you live in South Africa and if your face is not white, you are assigned a status. You cannot vote and you live where you are told. You cannot move and you cannot work. If you oppose it, you may die as have thousands of people died. I cannot say too strongly that in the Senate of Pennsylvania and, hopefully, in the State of Pennsylvania, we have begun in earnest to add a strong and clear voice, an unequivocal message that we all, every one of us, reject totally the system called apartheid, and that we will back it up by every power at our command including the economic weight of the tax monies of this state and the governmental power to influence others who participate with us, that we do not find them to be acceptable colleagues. They participate with the likes of Nazis, and worse, and that divestment is not a word. They call it disassociation. We do not want any association with those kinds. As we do, state by state, it seems to me this country will have its act together, and it will not be long and, hopefully, peacefully the system of apartheid in South Africa will be dismantled and that, hopefully, will be an activity of history that rings out with the expression "never again." I say here and now "never again." If we need to say it every day until this matter is solved and apartheid is dissolved, we will repeat it "never again" and "never again."

Senator JONES. Mr. President, I, too, stand here totally upset at what happened today. I echo my colleague's concern. I would hope my other colleagues in this room do not use that tactic to not deal with the situation that we must come to grips with in Pennsylvania.

Twenty-nine million people live in South Africa, Mr. President. Only 4.5 million are white and have full rights and citizenship while the nation's 21 million Africans are treated as "rightless" foreigners. The Africans were born in South Africa, work in South Africa and will die in South Africa.

They are black and they are under South African law. The color of their skin makes them noncitizens. Africans cannot even vote, buy or sell land, live or work where they choose or move freely. They have been stripped of power and deprived of control over their lives by an elaborate network of legislation and customs. This is the apartheid system. A rising tide of black opposition is today threatening the survival of apartheid. The racist government is responding with violence at home and false propaganda abroad in its efforts to save that system.

What is apartheid? When I notice how our counterparts do not want to deal with this situation, it makes me wonder, Mr. President, if they know what apartheid is. For 400 years, black South Africans have been denied their freedom. They live under laws that segregate them from whites and deny them the very basic rights, Mr. President, that we have here. Five of every six South Africans are black, yet they cannot live or work where they choose. They risk jail if they strike for better wages or justice on the job. They have no say in the government that rules them and they are not allowed to vote, as I said before.

The South African system of racism called apartheid runs on cheap labor. To stay out of jail, blacks must carry pass-books wherever they go. These records, their fingerprints, work records, tax and family status, tribe and race and where they can legally live is all done by the racist apartheid system. For black South Africans, home is not where they live, not where they were born or choose to live. It is where the government decides to send them. Where the government decides whatever they should do, they decide it. Those no longer needed by white businesses are sent to live in a barren, rural wasteland called a homeland chosen for them by whites. White privilege and wealth rests on cheap and black poor, exploited and powerless.

Apartheid destroys the very fiber of families. Eighty-four percent of South Africans are forced to live on 13 percent of the land because they are black. Black communities are bulldozed to make room for whites. The government has moved millions of blacks by force from white-owned areas to make more room for whites. Apartheid destroys the black family life. Racist laws prevent husbands and wives from living together in white cities. Black women face double discrimination because of their sex and race. Those who can find work as maids feed the white children while their own go hungry in barren homelands.

Apartheid denies access to education. Less than half of black adults can read and write. Whites get free schooling; blacks do not get any. The state spends eleven times more on a white child's education than on a black child. Only about 7 percent of black children finish high school. Apartheid starves blacks to death in rural areas. One of every five rural black babies die before its first birthday, many from lack of food. While South Africa exports \$2 million worth of food a year, people are starving.

Apartheid denies decent wages. Africans earn on the average less than one-third of what white workers do. Over 60

percent of black urban families earn less than the white government says is necessary to survive. Rural blacks are even worse off. The apartheid government defends white wealth by force. It jails and it kills those who protest against apartheid. Blacks are being killed every day. Families are being separated. Think about it, Mr. President. Mothers, fathers, aunts, uncles, grandmothers are being separated and many of them are being killed every day. It attacks neighboring nations which support South African freedom fighters.

I say, Mr. President, we in Pennsylvania can keep right on ducking, but sooner or later it is going to catch up with us. I would suggest in this Legislature, when we come back after we are off a while, that we deal with this situation and that we do not make this a political issue, but that we think in terms of what happened to the Jews and what happened to many blacks in this country. Let us divest and let us not be a part of this racism.

Senator STAUFFER. Mr. President, listening to the remarks of the two previous speakers, I am particularly disappointed in the remarks of the most recent speaker when she says she is disappointed in the actions that we took today and accuses us of ducking an issue.

Mr. President, first off, I want to assure not only the two previous speakers, but anyone within the sound of my voice that we share the great concern and we share the bad feelings regarding the apartheid situation that have been expressed. We are not running away from that issue because we fully recognize that it is an important issue, but, Mr. President, I think the events of today have to be put in perspective and be understood. First of all, we did not know that any action with regard to that issue was planned until we were on the floor dealing with the Calendar and then learned that a potential amendment was in the offing. The bill that was under consideration, Mr. President, House Bill No. 491, was a bill which had no relevancy whatsoever to the apartheid issue. In fact, it is a bill which deals with the rights of artists and craftspeople with regard to their own materials they produce. That is an important issue in the context of the dealings of state government. We deal with many issues that have importance to different groups of people, as we all know. It is an issue and a bill that has been worked on. I happen to know because some of my staff were involved in it. It has been worked on throughout the summer in order to reconcile some problems and some differences that had occurred within that legislation. When finally we did learn that an amendment was to be offered, we learned it was an amendment that would gut the bill, take all of the work that had been done out and literally throw it away.

Mr. President, there is an element of fairness that we have to consider with regard to the work that various Legislators do perform on the legislation which they introduce, and it was our judgment that we should not cast aside the work that has been done. But, beyond that, Mr. President, and I stand to be corrected on this if I am wrong, but my understanding, and this is a clear understanding, is that Members of the Black Caucus are working with the Administration regarding the

development of an anti-apartheid position and proposal, and we have been waiting for that material to come forth and join in dealing with the uniform and unified proposal that we are under the impression is being developed.

Therefore, Mr. President, it is not a case of ducking an issue, it is a case of trying to deal with legislation in a forthright manner and a fair manner and to deal with all issues and not one issue at the expense of others. So, we are prepared, we are ready to deal with that issue and we do share the concerns that have been expressed and the horror and have a full recognition that what goes on in South Africa today is wrong and that we should not be supportive of those actions.

Senator WILLIAMS. Mr. President, I feel very gratified that the gentleman I guess has stated a commitment by, I suppose, the Majority Party of the Senate to act in a clear and unequivocal fashion on this issue. I take those words to mean that. The view of my concern is that everybody equivocates, including the Governor, where there is constructive engagement of Sullivan principles, always something to fall short of facing your stark and obvious moral question. So I take the gentleman's remarks that the commitment is to speak clearly on this issue, and I welcome that and I am very happy. It is the first time I have heard that. I just wanted to clarify that the Black Legislative Caucus in Harrisburg is not working, to my knowledge, on this issue with the Governor. Indeed, the Governor's position is totally opposed to the position of the Black Caucus, just the opposite. It was my understanding that the Governor went to South Africa, came back an instant expert, and repeated a request for constructive disengagement and the Sullivan principles or something close to that, which appalled me, because, very frankly, that is to maintain a racist system, something I never thought the Governor would be for. I assure the gentleman I have no knowledge of the Governor's Office working with the Black Caucus on this, the most important issue to the Black Caucus, or any other basic issue. I just wanted to correct the gentleman's understanding. I am a member in good standing of the Black Legislative Caucus and closely work with those activities.

I also would want to say that if it takes a Black Caucus that long to act, then it seems to me the issue is not a black issue, it is a human issue and we should have acted by now. That is the kind of concern I have registered when this country stood back and saw what happened in Germany. I do not want to be parochial. I just want to move the issue and I do want the challenge. The Majority Party in this Senate and the leadership here, all the leadership, especially at the time of the election, with the most important issue in the world where humankind live, as I see it, when an election is taking place we seem to work at brilliance. I thank the gentleman for his remarks. I interpret them as I have said you gave them. I just wanted to correct some of the details as to who is working on what now, because do not delude yourself in thinking that will handle the problem. It will not.

Senator JONES. Mr. President, I meant no ill feeling in here to my colleague on the other side of the Chamber. What I said was, when I began to speak, that I would hope that was

not the intent. To believe that none of you knew what was happening over here, I kind of find that a little hard to believe from what I see happening here on a daily basis. Since that is the feeling that you are disappointed in me, I think that when we come back next week, I will see House Bill No. 3 removed from the Committee on Finance. That bill, Mr. President, is the Dave Richardson bill that deals exactly with what we are talking about.

Senator STOUT. Mr. President, I will be very brief because I think we are both in need of taking nourishment at this time.

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

Senator STOUT. Mr. President, I could not let this occasion pass with the fact that we have set history here today in this Body with the passage of Senate Bill No. 1649, which made the first appropriation from the Sunny Day Fund to the Department of Commerce to provide funds for a long-term, low interest rate loan to be placed to the Johnson's Packaging Corporation for their new manufacturing facility to be located in the Charleroi Industrial Park in the Speers Borough, Washington County. This new plant will be located in the Mon Valley area, an area that has been undergoing, for several years, major economic transition, particularly with the turndown of the steel and heavy manufacturing in the coal mining area. Practically on a weekly basis we get the bad news of layoffs or plant shutdowns. This creation of approximately 100 jobs in this area is very important to the future of Pennsylvania and, particularly, in the Mon area. I realize there are many other areas in the state that have similar worthwhile projects, but I appreciate the cooperation of the Administration in requesting the funds for this project, and from my colleagues here in the Senate, on both sides of the aisle, for funding this very important project, and look forward to this setting a precedent so that in the future we can provide other allocation of funds to other projects throughout Pennsylvania and create the jobs that we need.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE 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 **HB 1337**.

BILL SIGNED

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

HB 1337.

ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Monday, September 29, 1986, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 1:58 p.m., Eastern Daylight Saving Time.