

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

THURSDAY, NOVEMBER 20, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 62

### SENATE

THURSDAY, November 20, 1986.

The Senate met at 11:00 a.m., Eastern Standard 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:

O God, our help in ages past and our hope for years to come, bless these Thy servants with good health, sound minds and gracious speech so that they may speak and vote and live for righteousness and freedom. 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 November 19, 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.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on State Government to meet off the floor today to consider House Bill No. 1538.

### HOUSE MESSAGE

### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID 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 by amending said amendments to **HB 349**, in which the concurrence of the Senate is requested.

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

### 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:

November 19, 1986

Senator HOLL presented to the Chair **SB 1715**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further regulating admission of health service doctors to health service plans.

Which was committed to the Committee on BANKING AND INSURANCE, November 19, 1986.

Senator HOLL presented to the Chair **SB 1716**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further regulating eligible hospital plan offerings.

Which was committed to the Committee on BANKING AND INSURANCE, November 19, 1986.

Senator HOLL presented to the Chair **SB 1717**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further regulating hospital plan offerings.

Which was committed to the Committee on BANKING AND INSURANCE, November 19, 1986.

Senator HOLL presented to the Chair **SB 1718**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," adding definitions relating to preferred provider organizations.

Which was committed to the Committee on BANKING AND INSURANCE, November 19, 1986.

### BILLS SIGNED

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

**SB 1486, HB 491, 543 and 1785.**

### REPORTS FROM COMMITTEES

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

**HB 1735 (Pr. No. 4184) (Amended) (Rereported)**

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

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

**SB 1545 (Pr. No. 2182) (Rereported)**

An Act creating the Coroners' Education Board; requiring coroners and certain deputies to take a course of instruction and an examination; and requiring continuing education.

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

**HB 1306 (Pr. No. 4183) (Amended) (Rereported)**

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for the powers and duties of the Pennsylvania Liquor Control Board, the Office of Attorney General; creating the Office of Administrative Law Judge; transferring enforcement powers to the Office of Attorney General and defining its powers and duties; adding provisions relating to payment of State taxes; further providing for penalties; transferring personnel, equipment and appropriations; exempting ceramic commemorative bottle collections from certain provisions of this act; increasing fees; creating a wine distributor license; and creating a special account.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator ARMSTRONG, from the Committee on Military and Veterans Affairs, reported the following resolution:

**HR 348 (Pr. No. 4057)**

Commemorating the 40th Anniversary of the Paralyzed Veterans of America.

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

**LEAVES OF ABSENCE**

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

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

**LEGISLATIVE LEAVES**

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Wilt.

The PRESIDENT pro tempore. Senator Loeper has requested a legislative leave for Senator Wilt. The Chair hears no objection. The leave will be granted.

Senator LINCOLN. Mr. President, I would request legislative leaves for Senator Fumo, Senator Mellow and Senator Ross.

The PRESIDENT pro tempore. Senator Lincoln has requested legislative leaves of absence for Senator Fumo, Senator Mellow and Senator Ross. The Chair hears no objection. Those leaves are granted.

**CALENDAR**

**HB 459 CALLED UP OUT OF ORDER**

**HB 459 (Pr. No. 4180)** — 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 459 (Pr. No. 4180)** — The Senate proceeded to consideration of the bill, entitled:

An Act to require the Department of Public Welfare to provide home-based care as an alternative to nursing home or other institutional care.

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

On the question,  
Shall the bill pass finally?

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

**YEAS—47**

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

**NAYS—0**

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

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

**RECESS**

Senator STAUFFER. Mr. President, at this time I am going to request a recess of the Senate for the following: Immediately upon the declaration of the recess there will be a meeting of the Committee on State Government in the Rules Committee room. That should be a very brief meeting. I would ask that we have lunch, and I am going to ask everyone to have a quick lunch so that we can have a caucus on the Republican side at 12:45 p.m. in the Majority caucus room, with the hope that we can review the Calendar just as quickly as possible and be back on the floor so that we can conclude our work as early as possible this afternoon. We recognize that there is the threat of bad weather and Members have great distances to

travel, and if we can have everyone's cooperation, we can get out of here at an early hour.

Senator ZEMPRELLI. Mr. President, I would suggest that the Democratic caucus now takes its lunch break and that we be prepared to return to caucus at 12:45 p.m.

The PRESIDENT pro tempore. Senator Stauffer, on behalf of Senator Wenger, has requested that the Members of the Committee on State Government report to the Rules Committee room at the rear of the Senate Chamber for a brief meeting of the Committee on State Government. Senator Stauffer and Senator Zemprelli have asked that the Members of their respective caucuses meet in the caucus rooms beginning at 12:45 p.m. 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.

### LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I would ask for a legislative leave for Senator Scanlon and temporary Capitol leaves for Senator Stapleton, Senator Stout, Senator Williams, Senator Rocks and Senator O'Pake.

The PRESIDENT pro tempore. Senator Zemprelli has requested temporary Capitol leaves for Senator Stapleton, Senator Stout, Senator Williams, Senator Rocks and Senator O'Pake. He has also requested a legislative leave for Senator Scanlon. The Chair hears no objection. Those leaves are granted.

### CONSIDERATION OF CALENDAR RESUMED

#### REPORT OF COMMITTEE OF CONFERENCE

##### BILL OVER IN ORDER

**SB 1276** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

##### BILL OVER IN ORDER

**HB 2174** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

#### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

##### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 259 (Pr. No. 2406)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 259.

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

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

#### YEAS—46

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

#### 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.

#### BILL OVER IN ORDER

**SB 377** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

### LEGISLATIVE LEAVES

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

The PRESIDENT pro tempore. Senator Lincoln has requested a temporary Capitol leave for Senator Musto. Without objection, that leave will be granted.

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Shumaker and a legislative leave on behalf of Senator Pecora who has been called to his district for a meeting with his constituents.

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

### LEGISLATIVE LEAVE CANCELLED

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

**CONSIDERATION OF CALENDAR RESUMED**

**BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE AMENDS HOUSE AMENDMENTS**

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

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

**MOTION TO SUSPEND RULES**

Senator STAUFFER. Mr. President, I move that Senate Rule XV be suspended in order that I may offer an amendment to House amendments to Senate Bill No. 408.

The PRESIDENT pro tempore. Senator Stauffer moves that Senate Rule XV be suspended for the purpose of offering an amendment to House amendments to Senate Bill No. 408.

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—46**

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

**NAYS—0**

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

The PRESIDENT pro tempore. Senate Rule XV is suspended for the purpose of offering an amendment to House amendments to Senate Bill No. 408.

Senator STAUFFER, by unanimous consent, offered the following Senate amendment to House amendments:

Amend Sec. 2 (Sec. 8522), page 5, lines 12 through 15, by striking out all of said lines and inserting:

The Commonwealth shall make the toxoid or vaccine available to a qualified person only if the person agrees to indemnify, defend and save harmless the Commonwealth from any and all claims and losses which may arise against the Commonwealth from the manufacture, distribution, administration or use of the toxoid or vaccine.

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

It was agreed to.  
The PRESIDENT pro tempore. Senate Bill No. 408 will go over, as amended.

**SB 776 (Pr. No. 1901)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," restricting the operations of certain units at various State hospitals.

**MOTION TO SUSPEND RULES**

Senator STAUFFER. Mr. President, I move that Senate Rule XV be suspended in order that we may offer an amendment to House amendments to Senate Bill No. 776.

The PRESIDENT pro tempore. Senator Stauffer moves that Senate Rule XV be suspended for the purpose of offering an amendment to House amendments to Senate Bill No. 776.

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—46**

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

**NAYS—0**

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

The PRESIDENT pro tempore. Senate Rule XV is suspended.

**LOEPER AMENDMENT TO HOUSE AMENDMENTS**

Senator LOEPER, by unanimous consent, offered the following Senate amendment to House amendments:

Amend Title, page 1, lines 23 and 24, by striking out "RESTRICTING" in line 23, all of line 24 and inserting: further providing for compensation to nonresident victims; and providing for the continuation of the Crime Victim's Compensation Board.

Amend Bill, page 3, lines 6 through 19, by striking out all of said lines and inserting:

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 477.1a. Expiration.—The board, together with its statutory functions, shall terminate on the thirty-first day of December 1991, unless reestablished or continued as provided by law. The evaluation and review, termination, reestablishment or continuation of the board shall be conducted under the act of December 22, 1981 (P.L.508, No.142), known as the "Sunset Act."

Section 2. Section 477.3(c) of the act, amended June 30, 1984 (P.L.458, No.96), is amended to read:

Section 477.3. Persons Eligible for Compensation.—\*\*\*

(c) A person who is not a resident of Pennsylvania at the time of occurrence of the crime upon which the claim is based, shall be eligible for compensation only if the law of the state of which he is a resident at the time of occurrence of the crime upon which the claim is based provides for compensation to Pennsylvania residents who are victims of crime in such state or enacts such legislation within the same fiscal year of this Commonwealth in which the injury occurred.

\*\*\*

Section 3. As much of the last sentence of section 9 of the act of June 30, 1984 (P.L.458, No.96), entitled "An act amending the act of April 9, 1929 (P.L.177, No.175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined,' changing provisions relating to crime victim's compensation; reestablishing and continuing the Crime Victim's Compensation Board; further providing for the Crime Victim's Compensation Fund; changing provisions relating to the rights of victims of crime; making an editorial change; and making an appropriation," as reads, "and continued until December 31, 1986," is repealed.

Section 4. Section 2 (Section 477.3(c)) shall be retroactive to July 1, 1985.

Section 5. This act shall take effect immediately.

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

It was agreed to.

On the question,  
Will the Senate concur in House amendments as amended by the Senate?

**SALVATORE AMENDMENT TO HOUSE AMENDMENTS**

Senator SALVATORE, by unanimous consent, offered the following Senate amendment to House amendments:

Amend Title, page 1, line 23, by inserting after "EXAMINATIONS": further providing for the powers and duties of the Department of Public Welfare; providing for the transfer of control of the Eastern Pennsylvania Psychiatric Institute to The Medical College of Pennsylvania; and

Amend Bill, page 3, by inserting between lines 18 and 19:

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

Section 2313.4. The Department of Public Welfare is hereby authorized to relinquish the entire government, management,

operation and control of the Eastern Pennsylvania Psychiatric Institute to The Medical College of Pennsylvania upon the effective date of a lease entered pursuant to section 2418.

(1) Upon the execution of the lease permitted pursuant to section 2418, the Eastern Pennsylvania Psychiatric Institute shall be operated under the management of the Board of Corporators of The Medical College of Pennsylvania, which shall be responsible for the management and operation of the institute.

(2) The Medical College of Pennsylvania shall conduct research into the causes, prevention, treatment and cure of mental, neurological and related disorders and shall provide consultation, education, training and treatment at the Eastern Pennsylvania Psychiatric Institute responsive to the mental health needs of the public. Provision of these services and the conduct of research shall be limited only by funds available for these purposes. In addition to requesting appropriations from the General Assembly to fund these functions, the Board of Corporators of The Medical College of Pennsylvania shall make good faith efforts to obtain funding from third party sources.

(3) The Medical College of Pennsylvania shall utilize all space in the buildings known as the Eastern Pennsylvania Psychiatric Institute consistent with the functions described in this section. If The Medical College of Pennsylvania uses space in the Eastern Pennsylvania Psychiatric Institute for functions other than those described, it shall provide the Department of Public Welfare with written documentation that an equivalent amount of space is used in other facilities of The Medical College of Pennsylvania for those functions.

(4) The Medical College of Pennsylvania may construct buildings on the leased premises if the buildings are necessary to carry out the purposes of this section.

Section 2418. The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is authorized to lease or sublease, for the rental of one dollar (\$1) per annum, all of the land and buildings in the city and county of Philadelphia known as the Eastern Pennsylvania Psychiatric Institute, and all improvements, fixtures, equipment and furnishings located there, to The Medical College of Pennsylvania upon such terms and conditions as The Medical College of Pennsylvania and the Department of Public Welfare shall agree. The provisions of section 2402(i) shall not apply to a lease entered into pursuant to this section.

Amend Sec. 2, page 3, line 19, by striking out "2" and inserting: 3

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

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 776 will go over, as amended.

**BILLS OVER IN ORDER**

**SB 934, 1412, 1450 and 1482** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**THIRD CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

**HB 84 (Pr. No. 4159)** — The Senate proceed to consideration of the bill, entitled:

An Act amending the act of January 22, 1968 (P.L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation

Law," further defining certain transit entities; requiring one-third local or private funding matches for State grants with certain exceptions; removing certain limitations on State grants; and further providing for annual appropriations and new formulas for distribution of the appropriations to transportation organizations and companies.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator STAUFFER. Mr. President, I request that House Bill No. 84 go over in its order.

Senator LINCOLN. Mr. President, may we be at ease for one second.

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

(The Senate was at ease.)

Senator LINCOLN. Mr. President, I object to House Bill No. 84 going over in its order.

Senator STAUFFER. Mr. President, I move that House Bill No. 84 go over in its order.

On the question,

Will the Senate agree to the motion?

#### LEGISLATIVE LEAVE

Senator STAUFFER. Mr. President, prior to calling the vote, I would ask for a legislative leave for Senator Moore who has a meeting that he must leave to attend.

The PRESIDENT pro tempore. Senator Stauffer requests a legislative leave for Senator Moore. The Chair hears no objection. That leave is granted.

And the question recurring,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I rise for the limited purpose of asking that we vote in the negative. The substance of House Bill No. 84 is one of great importance insofar as SEPTA is concerned. There is no question that the monies that are generated by House Bill No. 84 are critical to the ability of SEPTA to continue to exist.

The PRESIDENT pro tempore. Senator, I remind you, you said it yourself, the limited purpose of your objection has been in order, but you cannot debate the merits of the bill.

Senator ZEMPRELLI. Mr. President, I am not debating the merits. I am only suggesting the importance of the need for consideration of this bill at this time because the jugular vein of it is the monies it would provide, and not to have those monies by this bill going over would, in effect, create a serious handicap to that system.

#### POINT OF ORDER

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

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

Senator STAUFFER. Mr. President, the gentleman is debating the merits of the bill and I would object.

Senator ROCKS. Mr. President, within the very limited parameters of comment that I know on the motion for this bill to go over, I think it is very clearly understood that the entire future of mass transportation in this Commonwealth depends on this legislation, and the going over of this bill puts particularly in peril transit in southeastern Pennsylvania. I would hope that the motion to go over this bill for any reason would be defeated.

And the question recurring,

Will the Senate agree to the motion?

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

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

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

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

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

Senator HOLL. 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 STAUFFER and were as follows, viz:

#### YEAS—24

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

#### NAYS—23

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

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

The PRESIDENT pro tempore. House Bill No. 84 will go over in its order.

#### LEGISLATIVE LEAVE

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Zemprelli who I understand is doing a television program with Senator Shumaker. The Chair hears no objection to the request for Senator Zemprelli's leave. The leave will be granted.

#### PERSONAL PRIVILEGE

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



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

Senator KELLEY. Mr. President, would the Chair please advise me at what point we reach that we will have more Members on leave than we would have present, so I could take appropriate measures.

The PRESIDENT pro tempore. The Chair will so do.

**THIRD CONSIDERATION CALENDAR RESUMED**

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

**HB 233 (Pr. No. 4182)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining farming; further providing for the taxation on the sale of horses in certain circumstances; exempting feed for horses and rodents; further providing for imposition of the personal income tax, for estimated tax and for agreements with other states with reference to the income tax; redefining "average net income" and "capital stock value"; providing for the exclusion of construction of hydroelectric generating facilities from the tax on utilities; further providing for the tax on mutual thrift institutions; and making a repeal.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

**YEAS—47**

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

**NAYS—0**

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

Ordered, That the Secretary of the Senate 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.

**BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER ON FINAL PASSAGE**

**HB 595 (Pr. No. 4156)** — 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 printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Senator KELLEY. Mr. President, I desire to interrogate the Majority Leader, the gentleman from Chester, Senator Stauffer.

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

Senator STAUFFER. I will, Mr. President.

Senator KELLEY. Mr. President, I note that this bill has an effective date of sixty days after approval by the Governor, and it makes a reference to the Internal Revenue Code of 1954. Because of the tax revision act of 1986, I wonder if that reference to the 1954 code would be inaccurate or unidentifiable and whether or not anyone has made any reference to the new code that will be in effect on the effective date of this bill?

Senator STAUFFER. Mr. President, in light of the question raised by the gentleman, if he would like, I would be happy to take the bill over until Monday so that we can get an accurate answer to that question.

Senator KELLEY. Mr. President, I would just suggest as a matter of prudent legislative procedure for once that we would do so, and I encourage the gentleman to so do.

Senator STAUFFER. Mr. President, I request that House Bill No. 595 go over in its order.

The PRESIDENT pro tempore. Without objection, the bill will go over in its order on final passage.

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AMENDED**

**SB 1652 (Pr. No. 2564)** — 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 classification of documents; providing for sunset review for the commission; and providing for gubernatorial review of administrative agency action.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 6, by inserting after "Commission": , for conflict of interest provisions

Amend Sec. 1, page 1, line 13, by striking out "4(b)" and inserting: 4(a), (b), (f)

Amend Sec. 1 (Sec. 4), page 2, line 30, by striking out all of said line and inserting:

(a) The Independent Regulatory Review Commission [shall consist] is hereby established as a legislative agency consisting of five members to be known as commissioners. One member of the commission shall be appointed by the Governor to serve at his pleasure, one by the President pro tempore of the Senate, one by the Speaker of the House of Representatives, one by the Minority Leader of the Senate and one by the Minority Leader of the House of Representatives. No member of the General Assembly or any other officer or employee of State Government shall serve as a member of the commission: Provided, however, That a commission member may serve on advisory boards and commissions, or on other boards and commissions which do not promulgate any rules and regulations which may come before the commission for review pursuant to this act.

Amend Sec. 1 (Sec. 4), page 3, by inserting between lines 13 and 14:

(f) Any member of the commission formally charged before a court of record with the commission of a felony or with a misdemeanor as provided by 18 Pa.C.S., Article E (relating to offenses against public administration) shall immediately be suspended as a member of the commission until the charge is dismissed or a verdict of acquittal is announced. If any commission member shall be convicted of [a felony] such offense, then that commissioner's membership shall become vacant automatically upon announcement of the verdict by a trial court or upon acceptance of a plea of guilty or nolo contendere. No commission member shall participate in deliberations regarding any regulation in which he, or any member of his family, has a financial interest or which significantly affects the operation or activities on any not-for-profit organization in which he, or any member of his family, has a position as a board member, employee or officer. Prior to any vote upon any regulation upon which any member has a potential conflict of interest, such member shall disclose such potential conflict and request a ruling from the chairman of the commission upon the question of whether such potential conflict disqualifies the member from voting on the regulation. Any member of the commission may challenge the ruling of the chairman and in such case the question shall be resolved by majority vote of the commission. The chairman, a majority of the commissioners or the Governor may request the Ethics Commission to provide advice regarding conflicts of interest and such advice when given shall be binding upon the commission. A member of the commission commits a misdemeanor of the second degree if such member knowingly and intentionally violates the provisions of this subsection.

\*\*\*

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 WENGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 141 (Pr. No. 4154) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," further providing for definitions; prohibiting certain discriminatory acts and practices; prohibiting the imposition of certain quotas; reestablishing the commission and providing for its composition and compensation.

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

On the question,  
Shall the bill pass finally?

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

YEAS—47

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, Lincoln, Loeper, Madigan, Mellow, Moore, Musto, O'Pake, Pecora, Peterson, Reibman, Rhoades, Rocks, Romanelli, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Singel, Stapleton, Stauffer, Stout, Tilghman, Wenger, Williams, Wilt, Zemprelli

NAYS—0

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

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

BILL OVER IN ORDER

HB 144 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 188 (Pr. No. 4167) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the use of certain buildings for political fundraising events; and providing a penalty.

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—46

Table with 4 columns of names: Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Hess, Holl, Hopper, Howard, Jones, Jubelirer, Moore, Musto, O'Pake, Pecora, Peterson, Reibman, Shaffer, Shumaker, Singel, Stapleton, Stauffer, Stout



Early	Kelley	Rhoades	Tilghman
Fisher	Kratzer	Rocks	Wenger
Fumo	Lincoln	Ross	Williams
Greenleaf	Loeper	Salvatore	Wilt
Hankins	Madigan	Scanlon	Zemprelli
Helfrick	Mellow		

NAYS—1

Romanelli

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.

**BILL OVER IN ORDER**

**HB 241** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 247 (Pr. No. 4015)** — The Senate proceeded to consideration of the bill, entitled:

An Act defining and providing for the licensing and regulation of private schools; establishing the State Board of Private Licensed Schools; imposing 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?

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

YEAS—47

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

NAYS—0

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

Ordered, That the Secretary of the Senate 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 278 (Pr. No. 4158)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 20, 1919 (P. L. 521, No. 258), referred to as the "Transfer Inheritance Tax Law," changing the rate of 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?

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

YEAS—47

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

NAYS—0

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

Ordered, That the Secretary of the Senate 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.

**BILL ON THIRD CONSIDERATION REVERTED TO PRIOR PRINTER'S NUMBER AND FINAL PASSAGE**

**HB 284 (Pr. No. 4155)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties.

The bill was considered.

On the question,

Will the Senate agree to the bill on third consideration?

**MOTION TO REVERT TO PRIOR PRINTER'S NUMBER**

Senator STAUFFER. Mr. President, I move that House Bill No. 284 revert to the form it was in under Printer's No. 1774.

The motion was agreed to.

The PRESIDENT pro tempore. The Senate now has before it House Bill No. 284, Printer's No. 1774.

On the question,

Will the Senate agree to the bill on third consideration?

It was agreed to.

On the question,

Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

BILL OVER IN ORDER

**SB 439** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 607 (Pr. No. 4021)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for reimbursement by insurance companies, professional health service plan corporations, fraternal benefit societies and voluntary nonprofit health service plans for service performed by a registered nurse; and providing further duties of the Insurance 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—47

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

NAYS—0

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

Ordered, That the Secretary of the Senate 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 749 (Pr. No. 3399)** — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting hazing; and providing penalties.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

**HB 821 (Pr. No. 4018)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing an employer minimum contribution rate for members of an independent retirement system.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

Fumo	Lincoln	Romanelli	Williams
Greenleaf	Loeper	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
Helfrick	Mellow	Scanlon	

NAYS—0

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

Ordered, That the Secretary of the Senate 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 934 (Pr. No. 1439)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing that recorders of deeds may make additional charges for accepting certain documents.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

**LEGISLATIVE LEAVE**

Senator STAUFFER. Mr. President, I would ask for a temporary Capitol leave for Senator Hopper who has just been called from the floor.

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

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 936 (Pr. No. 1067)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for advertisement notices for competitive bid contracts.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

**BILLS OVER IN ORDER**

**HB 991 and 1008** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1106 (Pr. No. 2533)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land situate in Philadelphia County, Pennsylvania, to Self Help Movement, Inc., a not-for-profit corporation.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

Fumo	Lincoln	Romanelli	Williams
Greenleaf	Loeper	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
Helfrick	Mellow	Scanlon	

NAYS—0

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

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

**HB 1147 (Pr. No. 1353)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the publication of a certain notice relating to fiscal matters.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

**HB 1148 (Pr. No. 1354)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for the publication of a certain notice relating to fiscal matters.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

Andrezeski	Hess	Moore	Shaffer
Armstrong	Holl	Musto	Shumaker
Bell	Hopper	O'Pake	Singel
Bodack	Howard	Pecora	Stapleton
Brightbill	Jones	Peterson	Stauffer

Corman	Jubelirer	Reibman	Stout
Early	Kelley	Rhoades	Tilghman
Fisher	Kratzer	Rocks	Wenger
Fumo	Lincoln	Romanelli	Williams
Greenleaf	Loeper	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
Helfrick	Mellow	Scanlon	

NAYS—0

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

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

**HB 1149 (Pr. No. 1355)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for the publication of a certain notice relating to fiscal matters; and making an editorial change.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

BILL OVER IN ORDER

**HB 1728** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1776 (Pr. No. 4157)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), known as the "Housing Finance Agency Law," reestablishing and continuing the Pennsylvania Housing Finance Agency; further providing for agency membership and terms; providing for removal from the agency for nonattendance at meetings; further providing for mortgagors profits; continuing the Home-

owner's Emergency Assistance program; and making a conforming amendment.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 202), page 2, line 22, by striking out the bracket before "The"

Amend Sec. 1 (Sec. 202), page 2, lines 23 through 25, by striking out "J] ANNUALLY AT THE FIRST MEETING HELD" in line 23, all of line 24 and "MEMBERS TO" in line 25

On the question,

Will the Senate agree to the amendment?

Senator ROMANELLI. Mr. President, traditionally, and since the establishment of the Department of Community Affairs, the Secretary of that department has been the Chair of the Pennsylvania Housing Finance Agency, and I would like to maintain that status quo. That is what this amendment does.

(The following prepared statement was made a part of the record at the request of the gentleman from Allegheny, Senator ROMANELLI:)

Mr. President, this relationship has served both Republican and Democratic Administrations extremely well. It has provided the necessary coordination and communication between the Department, which has a responsibility to encourage housing development, and the agency, which has the ability to finance housing development.

I believe that it is a serious mistake to remove the Secretary of the Department of Community Affairs from the position of Chairman of this agency, particularly now with the start of a new Administration. The existing relationship has worked well for Governor Thornburgh and I am certain that it will work well for Governor Casey.

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

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—21

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

NAYS—26

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator ROMANELLI. Mr. President, I move we revert to the prior Printer's No. 3310 on this bill.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I would ask for a negative vote on that 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, my point of order is that no discussion is in order until such time as we have copies on our desk of the reversion copy.

The PRESIDENT pro tempore. A copy is on the way.

Senator KELLEY. Mr. President, may we be at ease until we get them?

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

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the motion?

ABSENCE OF QUORUM

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, I make a point of order of the absence of a quorum.

The PRESIDENT pro tempore. Senator Kelley has suggested the absence of a quorum. It would take four seconds.

Senator ROMANELLI. Mr. President, I second the motion.

Senator ROCKS. Mr. President, I second the motion.

Senator LINCOLN. Mr. President, I second the motion.

Senator REIBMAN. Mr. President, I second the motion.

The PRESIDENT pro tempore. The Sergeant-at-Arms is requested to close the doors of the Senate.

QUORUM PRESENT

The PRESIDENT pro tempore. The Clerk will call the roll.

The Clerk called the roll and the following Senators were present:

Andrezski	Greenleaf	Jubelirer	Rocks
Armstrong	Hankins	Kelley	Romanelli
Bell	Helfrick	Lincoln	Salvatore
Bodack	Hess	Loeper	Shaffer
Brightbill	Holl	Madigan	Singl
Corman	Hopper	Peterson	Stauffer
Early	Howard	Reibman	Tilghman
Fisher	Jones	Rhoades	Wenger

The PRESIDENT pro tempore. Those present and answering the roll call are thirty-two. There being a quorum, the question recurs.

Senator Romanelli moved to revert to the prior printer's number on House Bill No. 1776, from Printer's No. 4157 to Printer's No. 3310.

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

#### MOTION WITHDRAWN

Senator ROMANELLI. Mr. President, I withdraw the motion and I would ask for a slow roll call on the bill.

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

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

On the question,  
Shall the bill pass finally?

Senator LINCOLN. Mr. President, I would ask for a negative vote on House Bill No. 1776.

#### LEGISLATIVE LEAVE

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

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

And the question recurring,  
Shall the bill pass finally?

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

Senator LINCOLN. Mr. President, I think we have some people who would like to discuss the manner in which they voted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator LINCOLN. Mr. President, I would like to switch Senator Singel's vote from "no" to "aye."

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

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

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

Senator LINCOLN. Mr. President, could we have a fast roll call and ask for negative votes?

The PRESIDENT pro tempore. I wanted to do that in the first place.

Are there any negative votes left on House Bill No. 1776, any at all?

Senator Lincoln, on the legislative leaves you are voting, do you wish all to be voted "aye?" Is that correct?

Senator LINCOLN. All twelve, Mr. President.

The PRESIDENT pro tempore. Am I correct then that Senator Lincoln is the only negative vote and all others are to be voted in the affirmative?

Senator LINCOLN. Mr. President, at the present time I would have to agree with that, yes, sir.

The PRESIDENT pro tempore. May we record Senator Lincoln in the negative and all others in the affirmative?

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

#### YEAS—46

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

#### NAYS—1

Lincoln

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.



RECONSIDERATION OF HB 1776

BILL ON FINAL PASSAGE

Senator ROMANELLI. Mr. President, I move that next Monday we reconsider the vote by which the bill passed.

The PRESIDENT pro tempore. Does Senator Romanelli wish to withdraw his motion or make it Monday? The Chair wishes to know the gentleman's intention so that we can do what you want to do, Senator.

Senator ROMANELLI. Mr. President, I would like to reconsider the bill on Monday.

The PRESIDENT pro tempore. Your motion is not in order now. I cannot accommodate you. Senator Romanelli, if you wish to reconsider the bill, that is a motion, and if you wish it to go over in its order, that would take a separate motion.

Senator ROMANELLI. That would be my second motion, Mr. President, that the bill go over in its order.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. Senator Lincoln, do you wish to be recognized? There is a motion on the floor to reconsider the vote by which House Bill No. 1776 passed the Senate.

Senator LINCOLN. Mr. President, that motion must be voted on prior to a motion to go over?

The PRESIDENT pro tempore. That is correct.

Senator LINCOLN. Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

MOTION FOR BILL OVER IN ORDER

Senator ROMANELLI. Mr. President, I move the bill go over in its order.

The PRESIDENT pro tempore. Senator Romanelli moves that House Bill No. 1776 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I oppose the motion to put the bill over and I would ask for a negative vote.

Senator LINCOLN. May we be at ease for one second?

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

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—20

Andrezeski	Kelley	Reibman	Singel
Bodack	Lincoln	Rocks	Stapleton
Fumo	Mellow	Romanelli	Stout
Hankins	Musto	Ross	Williams

Jones	O'Pake	Scanlon	Zemprelli
NAYS—27			
Armstrong	Helfrick	Loeper	Shaffer
Bell	Hess	Madigan	Shumaker
Brightbill	Holl	Moore	Stauffer
Corman	Hopper	Pecora	Tilghman
Early	Howard	Peterson	Wenger
Fisher	Jubelirer	Rhoades	Wilt
Greenleaf	Kratzer	Salvatore	

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

And the question recurring,

Shall the bill pass finally?

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

YEAS—46

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

NAYS—1

Lincoln

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.

BILL OVER IN ORDER TEMPORARILY

HB 1937 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AMENDED

HB 2099 (Pr. No. 2866) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 527, No. 106), known as the "Recreational Improvement and Rehabilitation Act," increasing the amount, duration and obligations of the appropriation to the Department of Environmental Resources; and further providing for small municipalities.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, lines 1 through 10, by striking out all of said lines and inserting:

Amending the act of July 10, 1986 (P.L.1398, No.122), 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," further providing for a limited grant program; and making an appropriation to the Department of Environmental Resources.

Amend Bill, page 1, lines 13 through 21; pages 2 through 4, lines 1 through 30, by striking out all of said lines on said pages and inserting:

Section 1. The act of July 10, 1986 (P.L.1398, No.122), known as the Energy Conservation and Assistance Act, is amended by adding a section to read:

Section 8.1. Limited grants for resource recovery projects.

(a) General rule.—Pursuant to the programs set forth in section 3(1), there is hereby established within the Department of Environmental Resources a limited grant program as part of the State Energy Conservation Plan to assist municipalities in developing resource recovery projects. Consistent with Federal law and regulations, including those governing State energy conservation plans, and departmental regulations, the program shall provide grants which cover up to 75% of the following:

(1) Costs associated with feasibility studies.

(2) Costs associated with project development activity.

No grant funds shall be used to cover in any manner any construction costs incurred for resource recovery projects.

(b) Funding.—Money for the grant program shall be derived from the appropriation in section 9(c.1).

(c) Duration.—This grant program shall continue until June 30, 1988, at which time the program shall expire and any unexpended funds shall lapse back to the Energy Conservation and Assistance Fund.

(d) Governor's Energy Council.—In administering this program, the Department of Environmental Resources shall comply with such procedures and restrictions and submit such reports as may be required by the Governor's Energy Council in order to fulfill its federally mandated responsibilities regarding the State Energy Conservation Plan.

Section 2. Section 9(c) and (d) of the act are amended and the section is amended by adding a subsection to read:

Section 9. Appropriations.

\*\*\*

(c) Governor's Energy Council.—

[(1) The sum of \$5,000,000, is hereby transferred from the fund to the Pennsylvania Solid Waste - Resource Recovery Development Fund for the fiscal year July 1, 1986, to June 30, 1987, to be used for recycling programs, solid waste disposal projects, waste-to-energy projects, including agricultural waste-to-energy projects and other projects permissible under State and Federal law.

(2)] The sum of \$5,000,000, or as much thereof as may be necessary, is hereby appropriated to the Governor's Energy Council for the fiscal year July 1, 1986, to June 30, 1987, for the programs set forth in section 7. At least 75% of these funds must be used to fund those programs listed as priorities in section 7(b).

(c.1) Department of Environmental Resources.—The sum of \$5,000,000 is hereby transferred to the Pennsylvania Solid Waste - Resource Recovery Development Fund for the fiscal period July 1, 1986, to June 30, 1988, to be used for grants under section 8.1. This transfer shall be for a two-year period of time ending on June 30, 1988.

(d) Lapse.—[Any] Except as provided in subsection (c.1), any funds unexpended, uncommitted and unencumbered as of June 30, 1987, shall lapse and shall be available for appropriation from the fund for future fiscal years.

Section 3. 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 STAUFFER.

**HB 2199 (Pr. No. 3739)** — 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, to convey to Emsworth Borough 7.5 acres of land, more or less, situate in Kilbuck Township, Allegheny County, Pennsylvania.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER. Mr. President, I offer the following amendment.

Senator KELLEY. Mr. President, I am reserving the right to object.

The PRESIDENT pro tempore. To the offering of the amendment?

Senator KELLEY. Yes, Mr. President.

May we be at ease for a moment?

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

(The Senate was at ease.)

#### WENGER AMENDMENT

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

Amend Title, page 1, line 5, by removing the period after "Pennsylvania" and inserting: ; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey to the County of Chester 230.693 acres of land, more or less, situate in Newlin and West Bradford Townships, Chester County, Pennsylvania.

Amend Sec. 1, page 1, line 8, by inserting before "The": (a)

Amend Sec. 2, page 2, line 28, by striking out "Section 2." and inserting: (b)

Amend Sec. 3, page 3, line 1, by striking out "Section 3." and inserting: (c)

Amend Sec. 4, page 3, line 8, by striking out "Section 4." and inserting: (d)

Amend Sec. 5, page 3, line 17, by striking out "Section 5." and inserting: (e)

Amend Sec. 6, page 3, line 20, by striking out "Section 6." and inserting: (f)

Amend Sec. 7, page 3, line 24, by striking out "Section 7." and inserting: (g)

Amend Bill, page 3, by inserting between lines 25 and 26:

Section 2. (a) The Department of General Services, with the approval of the Governor and the Department of Agriculture, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey, for a consideration of one-half of the fair market value as determined by an appraisal, conducted by the Department of General Services, to the County of Chester the following tract of land situate in West Bradford Township and Newlin Township, Chester County, Pennsylvania, bounded and described as follows:

All that certain tract of land situated on the north and south sides of Embreeville Road (Pa.162) in Newlin and West Bradford

Townships, County of Chester and Commonwealth of Pennsylvania, as the same appears on a survey performed by N. M. Lake and Associates, Inc., Civil Engineers and Land Surveyors, Oxford, Pennsylvania, and bounded and described as follows to witness:

Beginning at a point in the center line of Embreeville Road (Pa.162) and being 364.94 feet east of the center line intersection of Embreeville Road (Pa.162) and Groundhog College Road and also the northwest corner of lands of Robert E. Heyburn, Jr.; thence (1) along lands of Heyburn south 15 degrees 42 minutes 56 seconds east 2,534.81 feet to a 3/4 inch iron pipe set in line of lands of Charles T. Keller, having passed over a concrete monument found 30.90 feet south of the center line of Embreeville Road (Pa.162) and also having crossed over Groundhog College Road; thence (2) along lands of Keller and lands of James S. and Harriet Jane Kries north 64 degrees 03 minutes 35 seconds west 1,474.63 feet to a concrete monument found at the northwest corner of lands of Kries; thence (3) along lands of Kries and Michael S. and Joan Maritsch south 41 degrees 57 minutes 30 seconds west 584.43 feet to an old, rusty 1/2 inch iron pipe found at a corner of lands of Maritsch; thence (4) continuing along lands of Maritsch south 60 degrees 55 minutes 39 seconds west 1,336.72 feet to a point in the center line of Glen Hall Road, having passed over a concrete monument found 18.72 feet east of the center line of Glen Hall Road; thence (5) along in Glen Hall Road north 36 degrees 04 minutes 01 second west 280.00 feet to a point in the center line of Glen Hall Road at the northeast corner of lands of Buck and Doe Run Valley Farms Co.; thence (6) along lands of Buck and Doe Run Valley Farms Co. north 88 degrees 04 minutes 01 second west 214.50 feet to a point in the West Branch of the Brandywine Creek; thence along in the West Branch of the Brandywine Creek and along lands of Buck and Doe Run Valley Farms Co. the following four courses and distances (7) north 25 degrees 40 minutes 23 seconds west 275.55 feet to a point; thence (8) north 59 degrees 22 minutes 44 seconds west 126.72 feet to a point; thence (9) south 77 degrees 15 minutes 46 seconds west 389.41 feet to a point; thence (10) south 68 degrees 00 minutes 46 seconds west 201.30 feet to a point; thence (11) continuing along lands of Buck and Doe Run Valley Farms Co. south 42 degrees 44 minutes 25 seconds east 126.59 feet to a point on the northerly line of the Reading Railroad, having passed over a 4 inch iron pipe found 4.49 feet north of said line; thence along the northerly line of the Reading Railroad the following two courses and distances (12) along the arc of a 630.00 foot curve to the left 145.73 feet to the point of compound curvature and having a chord distance of 145.41 feet and bearing south 74 degrees 55 minutes 12 seconds west; thence (13) along the arc of a 7,130.00 foot radius curve to the left 515.17 feet to a point 7.08 feet north of a concrete monument found within the lands of the Reading Railroad, said point being a corner of lands of the Commonwealth of Pennsylvania and said curve having a chord distance of 515.06 feet and bearing south 65 degrees 26 minutes 45 seconds west; thence along lands of the Commonwealth of Pennsylvania the following six courses and distances (14) north 09 degrees 21 minutes 10 seconds east 45.72 feet to a point in the West Branch of the Brandywine Creek; thence along in the West Branch of the Brandywine Creek the following two courses and distances (and continuing along lands of the Commonwealth of Pennsylvania) (15) south 87 degrees 06 minutes 27 seconds west 125.40 feet to a point; thence (16) north 52 degrees 38 minutes 34 seconds west 214.50 feet to a point; thence (17) north 04 degrees 15 minutes 20 seconds east 1,171.50 feet to a point; thence (18) south 85 degrees 44 minutes 40 seconds east 476.85 feet to a point; thence (19) north 00 degrees 29 minutes 40 seconds west 985.57 feet to a point in the center line of Embreeville Road (Pa.162); thence along the center line of Embreeville Road (Pa.162) the following six courses and distances (20) along the arc of a 1,000.00 foot radius curve to the right 148.44 feet to the point of tangency and having a chord

distance of 148.30 feet and bearing south 74 degrees 35 minutes 04 seconds east; thence (21) south 70 degrees 19 minutes 52 seconds east 412.72 feet to a point; thence (22) south 74 degrees 40 minutes 05 seconds east 150.24 to a point; thence (23) south 85 degrees 43 minutes 57 seconds east 205.67 feet to a point, having passed over the center line intersection of Embreeville Road (Pa.162) and Glen Hall Road 78.93 feet west of said point; thence (24) north 82 degrees 47 minutes 04 seconds east 352.39 feet to a point; thence (25) north 81 degrees 20 minutes 33 seconds east 908.13 feet; thence along lands of the Commonwealth of Pennsylvania and in a dirt lane the following four courses and distances (26) north 27 degrees 25 minutes 40 seconds east 479.45 feet to a point; thence (27) north 36 degrees 28 minutes 53 seconds west 467.71 feet to a point; thence (28) north 65 degrees 49 minutes 50 seconds west 373.41 feet to a point; thence (29) north 19 degrees 13 minutes 09 seconds west 444.30 feet to a point at a corner of lands of the Devereux Foundation; thence along lands of the Devereux Foundation the following two courses and distances (30) north 79 degrees 36 minutes 53 seconds east 1,987.01 feet to a concrete monument found, having passed over a concrete monument found 24.48 feet east of the point in the dirt lane; thence (31) south 16 degrees 58 minutes 46 seconds east 1,065.23 feet to a point in the center line of Embreeville Road (Pa.162), having passed over a concrete monument found 19.57 feet north of the center line of Embreeville Road (Pa.162); thence (32) along the center line of Embreeville Road (Pa.162) south 63 degrees 32 minutes 58 seconds west 246.13 feet to the point of beginning, containing 236.593 acres, more or less.

Less and excepting a 5.9 acre tract conveyed to the Pennsylvania Department of Transportation by agreement dated August 18, 1982, bounded and described as follows:

Beginning at a point in Embreeville Road (T.R.162, L.R.273), said point being south 67 degrees 34 minutes 30 seconds west 251.97 feet from the intersection of Embreeville Road (L.R.273) and Groundhog College Road (T.R.428); thence from said point of beginning, the following four (4) courses and distances along Embreeville Road, (1) south 67 degrees 34 minutes 30 seconds west 162.86 feet to a point; thence (2) south 76 degrees 32 minutes 00 seconds west 357.65 feet to a point; thence (3) south 82 degrees 10 minutes 29.09 seconds west 241.18 feet to a point; thence (4) south 86 degrees 17 minutes 59.9 seconds west 238.31 feet to a point; thence, leaving Embreeville Road north 32 degrees 24 minutes 59.09 seconds east 492.25 feet to a point; thence south 80 degrees 16 minutes 57.7 seconds east 118.41 feet to a point; thence north 89 degrees 30 minutes 00 seconds east 441.15 feet to a point; thence south 36 degrees 42 minutes 01.2 seconds east 256.65 feet to said point of beginning in Embreeville Road; containing 257,828.8 square feet or 5.919 acres.

The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of land or improvements erected thereon.

(b) The deed of conveyance shall contain a clause that the lands conveyed shall be used for recreation, open space or agricultural purposes and that the existing improvements upon the lands may be renovated and utilized for county and local government programs and services and, if at any time the county or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(c) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(d) Costs and fees incidental to the conveyance shall be borne by the grantee.

Amend Sec. 8, page 3, line 26, by striking out "8" and inserting: 3

On the question,

Will the Senate agree to the amendment?

Senator WENGER. Mr. President, I state for the record that the land transfer contained within the amendment which I presented has complied with Rule XIV.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

#### MADIGAN AMENDMENT

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

Amend Title, page 1, line 5, by removing the period after "Pennsylvania" and inserting: ;and authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to North Penn Comprehensive Health Services 8.7 acres of land, more or less, situate in the Borough of Blossburg, Tioga County, Pennsylvania.

Amend Sec. 1, page 1, line 8, by inserting after "Section 1.":

(a) Amend Sec. 2, page 2, line 28, by striking out "Section 2." and inserting: (b)

Amend Sec. 3, page 3, line 1, by striking out "Section 3." and inserting: (c)

Amend Sec. 4, page 3, line 8, by striking out "Section 4." and inserting: (d)

Amend Sec. 5, page 3, line 17, by striking out "Section 5." and inserting: (e)

Amend Sec. 6, page 3, line 20, by striking out "Section 6." and inserting: (f)

Amend Sec. 7, page 3, line 24, by striking out "Section 7." and inserting: (g)

Amend Bill, page 3, by inserting between lines 25 and 26:

Section 2. (a) The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey to North Penn Comprehensive Health Services, a nonprofit corporation organized and operating in the Commonwealth of Pennsylvania, in consideration of the mutual promises and covenants contained herein, the property described below, together with any and all buildings and improvements now or hereafter located on or at, or used in connection with the property:

All that certain lot, piece or parcel of land, together with the improvements located thereon, situate in the Borough of Blossburg, County of Tioga and Commonwealth of Pennsylvania;

Beginning at a point in the center line of Granger Street, said point being the northeast corner of lands now or formerly of Joseph W. Stempien and the southeast corner hereof; thence along lands of said Stempien, south 78 degrees 00 minutes 16 seconds west a distance of 699.81 feet to a point in the center line of Ruah Street (said line passing over reference iron rods set 25.00 feet from the center line of Granger Street and 30.00 feet from the center line of Ruah Street), the southwest corner hereof; thence

north 19 degrees 10 minutes 51 seconds west a distance of 381.94 feet to a point marked by an iron rod set; thence along the former Railroad Street, north 44 degrees 01 minutes 11 seconds west a distance of 343.00 feet to a point marked by an iron rod set, the northwest corner hereof; thence north 48 degrees 58 minutes 49 seconds east a distance of 868.36 feet to a point in the center line of Ruah Street; thence along lands now or formerly of Walter Kuzneski, north 48 degrees 58 minutes 49 seconds east a distance of 338.64 feet to a point marked by an old iron rod found (said line passing through an iron rod set 25.00 feet from the center line of Ruah Street), the northernmost corner hereof; thence along lands now or formerly of Robert J. Kuzneski the following two courses and distances: (1) south 38 degrees 30 minutes 54 seconds east a distance of 200.00 feet to an old iron rod found; and (2) north 55 degrees 06 minutes 19 seconds east a distance of 113.66 feet to a point in the center line of Granger Street (said line passing through a Utility Pole located 11.06 feet from said center line), the northeasternmost corner thereof; thence along the center line of Granger Street, south 38 degrees 07 minutes 43 seconds east a distance of 92.93 feet to a point, the northeast corner of lands now or formerly of Larry Smith; thence along lands of said Smith the following three courses and distances: (1) south 51 degrees 42 minutes 31 seconds west a distance of 223.35 feet to an iron rod set (said line passing over an old iron rod found 23.35 feet from the center line of Granger Street); (2) south 38 degrees 36 minutes east a distance of 375.00 feet to a point marked by an old iron rod found; and (3) north 52 degrees 24 minutes east a distance of 226.70 feet to a point in the center line of Granger Street (said line passing over an iron rod set 25.00 feet from said center line); thence along the center line of Granger Street the following four courses and distances: (1) south 39 degrees 06 minutes 17 seconds east a distance of 73.56 feet; (2) south 42 degrees 01 minutes 20 seconds east a distance of 81.39 feet; (3) south 35 degrees 48 minutes 29 seconds east a distance of 189.94 feet; and (4) south 11 degrees 16 minutes 25 seconds east a distance of 11.80 feet to the point and place of Beginning.

Subject to the easement of right-of-way of Granger Street as indicated on said survey, and also subject to the easement of right-of-way of Ruah Street located on the western portion of said premises.

Containing approximately 8.766 acres of land.

(b) The conveyance authorized by this section shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies as well as under and subject to interests, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The conveyances authorized by this section shall be exempt from taxes, imposts, or other fees and costs to the extent that the taxes, imposts, fees and costs are imposed by a taxing authority.

(d) The deed of conveyance shall contain a clause that the land conveyed hereunder shall be used exclusively in connection with the provision and promotion of health care and social services and that if, at any time, North Penn Comprehensive Health Services or its successor or assign conveys the land, including, but not limited to, through merger, consolidation, lease or transfer of corporate membership, or permits the land to be used for any purposes other than those aforementioned, title thereto shall immediately revert and revest in the Commonwealth of Pennsylvania.

(e) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

Amend Sec. 8, page 3, line 26, by striking out "8" and inserting: 3

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

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

#### FISHER AMENDMENT

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

Amend Title, page 1, line 5, by removing the period after "Pennsylvania" and inserting: ; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey to Gilbert Collussy, Lena M. Collussy, James T. Dresher and Virginia M. Dresher, a tract of land situate in North Shenango Township, Crawford County, Pennsylvania, in exchange for a tract of land in the same township, and for other consideration.

Amend Sec. 1, page 1, line 8, by inserting after "Section 1.":  
(a)

Amend Sec. 2, page 2, line 28, by striking out "Section 2." and inserting: (b)

Amend Sec. 3, page 3, line 1, by striking out "Section 3." and inserting: (c)

Amend Sec. 4, page 3, line 8, by striking out "Section 4." and inserting: (d)

Amend Sec. 5, page 3, line 17, by striking out "Section 5." and inserting: (e)

Amend Sec. 6, page 3, line 20, by striking out "Section 6." and inserting: (f)

Amend Sec. 7, page 3, line 24, by striking out "Section 7." and inserting: (g)

Amend Bill, page 3, line 26, by striking out all of said line and inserting:

Section 2. (a) The Department of General Services, with the approval of the Governor and the Department of Environmental Resources, is hereby authorized and directed to grant and convey to Gilbert Collussy and Lena M. Collussy, his wife, and James T. Dresher and Virginia M. Dresher, his wife, the following tract of land located in North Shenango Township, Crawford County, Pennsylvania, described as follows:

Beginning at State Monument No.198 of the Pymatuning Reservoir Boundary Survey; thence south 01 degree 58 minutes west 146.10 feet to State Monument No.197; thence south 55 degrees 55 minutes east 161.03 feet to a point; thence north 88 degrees 14 minutes 12 seconds west 192.01 feet to an iron pin; thence north 01 degree 45 minutes 48 seconds east along the east line of Township Route 302, 232.23 feet to an iron pin; thence south 88 degrees 12 minutes east 56.45 feet to the point of beginning; all as the same is shown on a plan prepared by Charles E. Stiles, dated November 19, 1984, and revised January 11, 1985.

Containing 0.433 acres, more or less.

Being a portion of parcel 75 of the Pymatuning Reservoir Project.

(b) The conveyance authorized by subsection (a) shall be in exchange for the conveyance of the following to the Commonwealth of Pennsylvania:

(1) All that certain Lot or parcel of land situated in North Shenango Township, Crawford County, Commonwealth of Pennsylvania, described as follows:

Beginning at State Monument No.195 of the Pymatuning Reservoir Boundary Survey; thence due north 83.00 feet to State Monument No. 196; thence north 55 degrees 55 minutes west 249.47 feet to a point; thence south 88 degrees 14 minutes 12

seconds east along the south line of Sioux Lane a distance of 227.99 feet to an iron pin; thence south 01 degree 45 minutes 48 seconds west along Lot No.160 of Sunset View Allotment and through a portion of Lots No.160 and No.163 of Sunset View Allotment 216.49 feet to an iron pin; thence north 87 degrees 39 minutes west along Lot No.164 of Sunset View Allotment a distance of 14.62 feet to the point of beginning; all as the same is described on a plan prepared by Charles E. Stiles dated November 19, 1984, and revised January 11, 1985.

Containing 0.406 acres, more or less.

Being all of Lot No.159 and a portion of lots No.160 and No.163 of Sunset View Allotment.

(2) A certified check or cashier's check in the amount of \$1,000, made payable to the Commonwealth of Pennsylvania.

(c) The conveyance authorized by subsection (a) shall be made under and subject to all easements, servitudes, and rights of others, including, but not confined to, streets, roadways, and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(d) The deed of conveyance shall be approved as required by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) All costs and fees incidental to the conveyances under subsections (a) and (b) shall be borne by the persons named as grantees in subsection (a).

Section 3. This act shall take effect immediately.

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

#### LEGISLATIVE LEAVE

Senator STAUFFER. Mr. President, prior to the consideration of the amendment, I would ask for a Capitol leave for Senator Wenger who has just been called from the floor.

The PRESIDENT pro tempore. Senator Stauffer requests a temporary Capitol leave for Senator Wenger. The Chair hears no objection. That leave is granted.

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

Senator FISHER. Mr. President, I would like to state for the record that I believe this amendment is agreed to. It also has the identical content that was contained in Senate Bill No. 1604 that the Senate passed unanimously yesterday and, therefore, is in compliance with Rule XIV.

And the question recurring,  
Will the Senate agree the amendment?  
It was agreed to.

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

#### CORMAN AMENDMENT

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

Amend Title, page 1, line 5, by removing the period after "Pennsylvania" and inserting: ; and authorizing and directing the Department of General Services, with the approval of the Governor and the Departments of Environmental Resources and



Transportation, to convey to the Mid-State Regional Airport Authority a tract of land situate in Rush Township, Centre County, Pennsylvania.

Amend Sec. 1, page 1, line 8, by inserting after "Section 1.":  
(a)

Amend Sec. 2, page 2, line 28, by striking out "Section 2." and inserting: (b)

Amend Sec. 3, page 3, line 1, by striking out "Section 3." and inserting: (c)

Amend Sec. 4, page 3, line 8, by striking out "Section 4." and inserting: (d)

Amend Sec. 5, page 3, line 17, by striking out "Section 5." and inserting: (e)

Amend Sec. 6, page 3, line 20, by striking out "Section 6." and inserting: (f)

Amend Sec. 7, page 3, line 24, by striking out "Section 7." and inserting: (g)

Amend Bill, page 3, by inserting between lines 25 and 26:

Section 2. (a) The Department of General Services, with the approval of the Governor and the Departments of Environmental Resources and Transportation, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Mid-State Regional Airport Authority for a consideration of \$1 and other valuable consideration the following tract of land situate in Rush Township, Centre County, Pennsylvania, bounded and described as follows:

All that certain lot, piece or parcel of land situated in Rush Township, Centre County, Pennsylvania, bounded and described as follows:

Beginning at a point northwest of the northern boundary of the access road to Pennsylvania Route No. 504, which point is 5,200 feet in a southwestern direction from the intersection of the access road and Pennsylvania Route 504, the following courses and distances: (1) south 23 degrees 48 minutes 07 seconds east a distance of 3,720.88 feet to a point; (2) south 40 degrees 04 minutes 16 seconds east a distance of 449.23 feet to a point; (3) north 49 degrees 55 minutes 44 seconds east a distance of 1,160.00 feet to a point; (4) south 40 degrees 04 minutes 16 seconds east a distance of 100.00 feet to a point; (5) south 49 degrees 55 minutes 44 seconds west a distance of 1,160.00 feet to a point; (6) south 40 degrees 04 minutes 16 seconds east a distance of 449.23 feet to a point; (7) south 49 degrees 55 minutes 44 seconds west a distance of 1,539.98 feet to a point; (8) south 23 degrees 42 minutes 07 seconds east a distance of 2,650.00 feet to a point; (9) south 66 degrees 17 minutes 53 seconds west a distance of 1,500.00 feet to a point; (10) north 23 degrees 42 minutes 07 seconds west a distance of 1,900.00 feet to a point; (11) north 76 degrees 53 minutes 44 seconds west a distance of 359.54 feet to a point; (12) south 49 degrees 55 minutes 44 seconds west a distance of 2,246.98 feet to a point; (13) north 40 degrees 04 minutes 16 seconds west a distance of 999.46 feet to a point; (14) north 49 degrees 55 minutes 44 seconds east a distance of 2,606.98 feet to a point; (15) north 13 degrees 06 minutes 49 seconds east a distance of 352.24 feet to a point; (16) north 23 degrees 42 minutes 07 seconds west a distance of 4,280.00 feet to a point; (17) north 45 degrees 40 minutes 00 seconds east a distance of 582.00 feet to a point; (18) north 23 degrees 42 minutes 07 seconds west a distance of 1,420.00 feet to a point; (19) north 66 degrees 17 minutes 53 seconds east a distance of 100.00 feet to a point; (20) north 23 degrees 42 minutes 07 seconds west a distance of 1,615.00 feet to a point; (21) north 66 degrees 17 minutes 53 seconds east a distance of 200.00 feet to a point; (22) south 23 degrees 42 minutes 07 seconds east a distance of 1,615.00 feet to a point; (23) north 66 degrees 17 minutes 53 seconds east a distance of 100.00 feet to a point; (24) south 23 degrees 42 minutes 07 seconds east a distance of 1,600.00 feet to a point; (25) north 66 degrees 17 minutes 53 seconds east a distance of 1,764.55 feet to the point and place of beginning.

Containing 496.68 acres, more or less.

As shown on a plan of property of the Mid-State Airport of the Department of Environmental Resources, Rush Township, Centre County, Pennsylvania, dated May 1984, and revised January 1985, and numbered 3079.

(b) The conveyance shall be made under and subject to the conditions in subsections (c) and (d) and to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) Any development on the airport property that is not related to aviation activities must be approved in writing by the Department of Environmental Resources before the plan of development is implemented.

(d) The Department of Environmental Resources shall retain the use of the air operations building and shall maintain full access to the said premises by land and by air for wildfire attack operations, without charge of any kind, and nothing shall diminish the ability of the Department of Environmental Resources to contain its wildfire attack operations at the said premises, including continued use of The Pennsylvania State University's water well, with pipeline access thereto, as the primary water source for loading tankers. In the event future development on the premises requires relocation of the air operations building, the Mid-State Regional Airport Authority may relocate the necessary premises with the approval of the Department of Environmental Resources.

(e) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) The deed of conveyance shall contain a clause that the lands conveyed shall be used for airport purposes by the Mid-State Regional Airport Authority and, if at any time the authority or its successor in function conveys said property or permits said property to be used for any purpose other than those aforementioned, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(g) Costs and fees incidental to this conveyance shall be borne by the grantee.

Amend Sec. 8, page 3, line 26, by striking out "8" and inserting: 3

On the question,

Will the Senate agree to the amendment?

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

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

Senator CORMAN. I will, Mr. President.

Senator LINCOLN. Mr. President, has this amendment been offered in some other form at a prior time in the Senate this Session?

Senator CORMAN. No, it has not, Mr. President.

Senator LINCOLN. Mr. President, is this the amendment that would transfer part of an airport that is owned by the state to a private corporation?

Senator CORMAN. No, Mr. President. It deals with the airport, but would not transfer it to a private organization. I would be happy to explain it and then maybe take any questions you might have.



The PRESIDENT pro tempore. Does the gentleman wish him to explain it?

Senator LINCOLN. I may want to conduct further interrogation, Mr. President.

Senator CORMAN. Mr. President, this deals with an airport that is located in the same community in which the Philipsburg State General Hospital is located. This community has been struggling for some time trying to change the economic stress they have been suffering. They have a lot of pride, however, in the Philipsburg area and the entire Moshannon Valley and they have worked very hard to reverse it. Recently they held a town meeting and raised over \$100,000 in private subscriptions from people in the community to try to bring about this economic change. As part of their economic package, one of them is the Mid-State Airport. The Mid-State Airport is a state facility that once was the airport for Centre County and central Pennsylvania. It is no longer an active airport. The state has closed the airport. Various interests have considered using the airport for private interests, and various private individuals have tried to negotiate directly with the Commonwealth of Pennsylvania to use this airport for such things as a racetrack and multiple other purposes. The Commonwealth has felt, and I believe appropriately so, that this ought to be a decision made by the local citizens. They have, therefore, dealt with a local authority that has been established by all the local municipalities that are located in the Moshannon Valley. This authority hopes to take over the ownership of this airport so they can use it to help attract industrial clients to come to the Moshannon Valley.

This particular amendment, as it reads in the first paragraph, authorizes and directs the Department of General Services, with the approval of the Governor and the Departments of Environmental Resources and Transportation, to convey to the Mid-State Regional Airport Authority a tract of land situated in Rush Township, Centre County, Pennsylvania. It then goes on to describe that particular piece of ground which is the Mid-State Airport. It further states that if any other development at the airport should be for other than aviation activities, that they must first receive written approval from the Department of Environmental Resources and, further, that if they should decide to be using this and try to convey it to anyone who would use it for other than an airport, it would revert back to the Commonwealth of Pennsylvania.

The local citizenry have worked very hard in trying to coalesce community support in one direction. They have done that. Each of the local municipalities did pass a resolution establishing this authority. This authority is in Harrisburg, or was in Harrisburg earlier today, hoping to see this accomplished so they can use this as another piece of economic development in the Moshannon Valley.

The PRESIDENT pro tempore. Senator Lincoln, do you wish to interrogate Senator Corman further?

Senator LINCOLN. No, Mr. President. I would think the amendment should be agreed to.

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

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 2199 will go over in its order, as amended.

#### MOTION TO SUSPEND RULES

Senator EARLY. Mr. President, you jumped the gun on me there when you went over the bill.

The PRESIDENT pro tempore. Do you have an amendment to offer, Senator?

Senator EARLY. No, Mr. President. I sat by very patiently as we Christmas treed this bill that basically pertains to my area. Knowing that plans are going to change between now and Tuesday, I am a little bit concerned that the time frame and the mechanism may not be sufficient if this bill does pass before we adjourn sine die. So, I would appreciate it if we could suspend whatever rule has to be suspended so that we can in turn vote this bill this evening. I move that we do so, Mr. President.

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

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator J. Barry Stout and his leave will be cancelled.

#### MOTION WITHDRAWN

Senator EARLY. Mr. President, I was informed that this will be the opening vote on Monday so, if that be the case, I will withdraw my motion.

The PRESIDENT pro tempore. House Bill No. 2199 will go over, as amended.

#### LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I would request a temporary Capitol leave of absence for Senator Jones who has been called to her office.

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Jones. The Chair hears no objection, that leave will be granted.

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2308 (Pr. No. 3688)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1980 (P. L. 1179, No. 219), entitled, "An act to define and regulate secondary mortgage loans and providing penalties," further limiting unlicensed loans, providing for an application and dishonored check fee and setting the frequency of examinations; prohibiting loanfinders' fees; and further providing for exemptions.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

(The following prepared statement was made a part of the record at the request of the gentleman from Delaware, Senator LOEPER:)

The use of the term "indirect" in subsection (6), lines 9-13, on page 4 of House Bill No. 2308 (P.N.3688) is not intended to prohibit a secondary mortgage loan licensee from paying a fee to someone who has negotiated or arranged a loan.

And the question recurring,  
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

**HB 2474 (Pr. No. 4152)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for juvenile records and for the unlawful use of computers; and prohibiting the retention of certain military equipment.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 2, by inserting after "for": multiple convictions for inchoate crimes, for aggravated assault, for

Amend Sec. 1, page 1, line 7, by striking out "Section" where it appears the second time and inserting: Sections 906, 2702 and

Amend Sec. 1, page 1, line 8, by striking out "is" and inserting: are

Amend Sec. 1, page 1, by inserting between lines 8 and 9:

§ 906. Multiple convictions of inchoate crimes barred.

A person may not be convicted of more than one [offense defined by this chapter] of the inchoate crimes of criminal attempt, criminal solicitation or criminal conspiracy for conduct designed to commit or to culminate in the commission of the same crime.

§ 2702. Aggravated assault.

(a) Offense defined.—A person is guilty of aggravated assault if he:

(1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;

(2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a police officer [making or attempting to make a lawful arrest] or firefighter in the performance of duty or to an [operator of a vehicle used in public transportation while operating such a vehicle] employee of an agency, company or other entity engaged in public transportation, while in the performance of duty;

(3) attempts to cause or intentionally or knowingly causes bodily injury to a police officer [making or attempting to make a lawful arrest] or firefighter in the performance of duty;

(4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon; or

(5) attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member, other employee or student of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school.

(b) Grading.—Aggravated assault under subsection (a)(1) and (2) is a felony of the [second] first degree. Aggravated assault under subsection (a)(3), (4) and (5) is a [misdemeanor of the first degree. Whenever any person has been previously convicted or adjudicated a delinquent in this Commonwealth for the offense set forth in subsection (a)(5), a subsequent petition, indictment or information of aggravated assault under subsection (a)(5) shall be classified as a felony of the third degree] felony of the second degree.

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 ROCKS.

BILL OVER IN ORDER TEMPORARILY

**HB 2556** — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 2606 (Pr. No. 4153)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

RHOADES AMENDMENT I OFFERED

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

Amend Sec. 1 (Sec. 5511), page 2, line 29, by inserting a bracket before "(ii)"

Amend Sec. 1 (Sec. 5511), page 2, line 29, by striking out "or fowl"

Amend Sec. 1 (Sec. 5511), page 3, lines 3 and 4, by striking out "or the regulations promulgated thereunder"

Amend Sec. 1 (Sec. 5511), page 3, line 4, by inserting a bracket after "or"

Amend Sec. 1 (Sec. 5511), page 3, by inserting between lines 4 and 5:

(ii) the killing of any animal or fowl pursuant to the act of June 3, 1937 (P.L.1225, No.316), known as The Game Law;

(iii) the killing of any animal or fowl pursuant to Title 34 of the Pennsylvania Consolidated Statutes (relating to game), or the regulations promulgated thereunder;  
or

Amend Sec. 1 (Sec. 5511), page 3, line 5, by inserting brackets before and after "(iii)" and inserting immediately thereafter: (iv)

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, this is a technical correction in this amendment which would continue in the present law exemption of the game law from provisions of the Crimes Code.

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

#### RHOADES AMENDMENT I WITHDRAWN

Senator RHOADES. Mr. President, I will withdraw that amendment.

The PRESIDENT pro tempore. Senator Rhoades withdraws his initial amendment.

And the question recurring,

Will the Senate agree to the bill on third consideration?

#### RHOADES AMENDMENT II

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

Amend Sec. 1 (Sec. 5511), page 4, line 15, by inserting after "hej": shall be trained in law enforcement and regulated by the Pennsylvania State Police pursuant to the rules and regulations adopted for the Pennsylvania State Police and

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, this amendment would require that agents of any association or society for the prevention of cruelty to animals be trained in basic law enforcement procedures before they are allowed to initiate criminal proceedings for animal fighting or dog fighting. The fact that the penalties for cruelty to animals have been increased and go into a felony, it was thought and encouraged that more law technique and enforcement procedures be developed so there would not be any jeopardy of cases.

Senator GREENLEAF. Mr. President, I would oppose, and request that this Body oppose this amendment in that I believe there are only twenty officers in the state. They do not

carry guns and they have been conducting these types of activities. This bill does not really change those activities, basically, and they have been conducting themselves in dealing with these similar problems for the last century. There is really no need for additional training. The training that is being imposed here is the same training that a police officer would have to go through. As I say, they do not carry guns. They are being trained now by the District Attorney's Office, and they work very closely with the local police whenever they conduct any activities involving cruelty to animals. I would think it is not a necessary requirement, and I would ask that we vote "no" on the amendment.

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

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

Senator RHOADES. I will, Mr. President.

Senator ANDREZESKI. Mr. President, would the gentleman from Schuylkill, Senator Rhoades, define police training under his amendment?

Senator RHOADES. Mr. President, under the amendment it says, "...shall be trained in law enforcement and regulated by the Pennsylvania State Police pursuant to the rules and regulations adopted for the Pennsylvania State Police...."

It would be under the guidelines of the rules and regulations of the Pennsylvania State Police for the training they would receive in serving this duty or this statute.

Senator ANDREZESKI. Mr. President, does this mean they would have to go to the State Police Academy for training?

Senator RHOADES. Not necessarily, Mr. President. I think if the State Police could accomplish this, the factors that they think are important in handling this probably could be done regionally with the municipal police officers we train and our people throughout the Commonwealth.

Senator ANDREZESKI. Mr. President, would the gentleman explain whether he knows if the State Police are willing to train the dog law officers and have set up a course of instruction, or do they have a plan to train dog law officers in this area?

Senator RHOADES. Mr. President, I do not really have an answer. I have not talked to them on that. They are handling municipal police officers, so it would be somewhat similar to that effect.

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

Mr. President, I would just like to concur with the gentleman from Montgomery, Senator Greenleaf, there are a small number of officers who have been doing exactly what they have been doing on this for many years. They know their field. They are unarmed and there is nothing else or more that they would be doing under the terms of this bill.

Senator BELL. Mr. President, I would likewise oppose the amendment. I think that if we enact this amendment into law, we are going to tie the hands of the enforcement officers of

those societies for the prevention of cruelty to animals. We do have some very vicious situations that take place involving cats and dogs. Cats and dogs cannot hire a lobbyist, but I am going to be here speaking on behalf of the dog owners and cat owners, because, very frankly, we had a very nasty situation in Chester recently, and I am awfully glad we had an enforcement officer there.

Senator ROCKS. Mr. President, I, too, rise in opposition to this amendment and would, very briefly, like to state that the maker of the amendment seems to want to equate the legislation which would make animal fighting a felony in our Commonwealth with the need for some kind of special police training. I would like to specifically point out that the concept of the humane officer or agent really dates to the very beginning of our humane societies in our Commonwealth. It goes back to 1867. These agents are, in fact, sworn in through our Commonwealth Court. They, in fact, are trained in every county of this Commonwealth. They have a designation which would be the equivalent of a special police officer, and that is with very limited powers. I think anyone who understands the importance of our humane societies understands the role of a humane officer or a humane agent. I would hope, based on that, that, number one, this amendment would be defeated and, number two, we would not fall for, if you will, any correlation between what this bill's intention is and that is to move this to a criminal class of a felony in our state and the need for some special police training. It is a little gimmicky, and I would hope on the merits of what this bill is about that this amendment, which intends to do something with the humane officer, the humane agent, would be defeated as it is proposed.

Senator KELLEY. Mr. President, as I understand the bill, it essentially makes law enforcement officers out of the dog officers. It seems to me, by raising the crime to a felony, it would only be prudent, especially when we are giving these law enforcement officers the right to go onto property that is far beyond the ordinary right of people to go on the properties, the private property, of others, our citizens, our taxpayers, our constituents. It seems to me the least we could do is expect them to have at least a preparation and knowledge of and a practicum of what the law is because, as law enforcement officers, they are not only held to be able to do the job on enforcement of one particular law, but all the laws. It seems to me in that regard then we would be remiss if we did not pass this amendment, especially when we talk about the small numbers of them in the Commonwealth. It is no great burden. So, if we are going to give people what I consider to be law enforcement responsibilities and allow them what I consider almost excessive rights when you start talking about the arbitrariness with which they can enter private property, then I think the least we could do to protect our citizens is to require them to have the highest knowledge and schooling of what the law is.

Senator ROCKS. Mr. President, it is a very rare opportunity that I have a chance to enlighten my distinguished colleague from Westmoreland County, he who brings such vast

knowledge on any number of diverse subjects to this great Chamber of ours. I would just like to very succinctly inform the gentleman from Westmoreland, Senator Kelley, that that training, in fact, is available. It is administered today. It is done by the district attorneys of this Commonwealth. It is certified before a humane officer or agent ever is placed officially into their role by the Commonwealth Court of this state, and that would certainly continue. For whatever increased powers there might be with the crime now considered a felony, I think it becomes obvious that the humane officers, the humane agents, the humane societies of Pennsylvania will want the change in law very thoroughly explained to those who have capably performed in their duty to our state up until this point in time. I think he can conclude that it will be done as it has been done to this point.

Senator GREENLEAF. Mr. President, I do not want to prolong the debate but I understand that many of these amendments, if not all of them, have been considered by the House and all of them were defeated in the House and so considered by the House. I think if we will insert these amendments into the bill, it will jeopardize its chances of passage in the House. Again, for that reason, I also urge a "no" vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—5			
Helfrick	Kratzer	Rhoades	Shaffer
Kelley			
NAYS—42			
Andrezeski	Hess	Musto	Shumaker
Armstrong	Holl	O'Pake	Singel
Bell	Hopper	Pecora	Stapleton
Bodack	Howard	Peterson	Stauffer
Brightbill	Jones	Reibman	Stout
Corman	Jubelirer	Rocks	Tilghman
Early	Lincoln	Romanelli	Wenger
Fisher	Loeper	Ross	Williams
Fumo	Madigan	Salvatore	Wilt
Greenleaf	Mellow	Scanlon	Zemprelli
Hankins	Moore		

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

RHOADES AMENDMENT III

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

Amend Sec. 1 (Sec. 5511), page 5, line 23, by inserting after "and": , after conviction or, if prior to conviction, after a hearing on the issue of disability, injury or disease,

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, this amendment would require that destruction of animals seized for a defendant's

alleged violation of this section would occur only after conviction or, if it is necessary to destroy the animal in a more speedy fashion, a hearing would be held on the propriety of such action before the fact. This would relieve the acquitted defendant of the ex post facto remedy of suing the police officer or agent for destroying an animal which has not been absolutely forfeited and whose fitness to live may be a serious question of fact rather than judgment.

Senator ROCKS. Mr. President, I desire to interrogate the maker of the amendment, the gentleman from Schuylkill, Senator Rhoades.

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

Senator RHOADES. I will, Mr. President.

Senator ROCKS. Mr. President, I would have to ask by the briefest interrogation that once again the proposer of the amendment explain what it does. I apologize for this. These amendments are not in our hands and it is very, very difficult for those of us who have paid some attention to this issue to know what it is that we are even debating.

Senator RHOADES. Mr. President, basically, what it is, under the bill before us for consideration, is if they seize the animal they could destroy the animal. What this would do is allow the owner of the animal to have a hearing before that destruction would take place, or if that person is convicted of that crime, then the animal could be destroyed. To a degree, we could say it is due process. We are giving them a hearing relative to the fact of whether the animal should be destroyed or not destroyed.

Senator ROCKS. Mr. President, my first question would be what happens under this amendment—since much of what the reaction has been in the proposing of this legislation is to the cruelty that I think has become evident to everyone in animal fighting—to that animal which has been, let us say, seriously injured under the provisions of the amendment that is in front of us?

Senator RHOADES. Mr. President, I would say that at that point they would be responsible to have an immediate hearing to ascertain that is the fact and to make the determination from there.

Senator GREENLEAF. Mr. President, there would be another reason for voting against this amendment and that is that this procedure is a very lengthy, protracted procedure, all during which time this dog or this animal is injured and suffering and would only prolong the suffering of the animal involved and really not provide any additional protections.

Senator ROCKS. Mr. President, I would just simply like to state that I, too, oppose this amendment. I think it is obvious for what might be the concern raised in the amendment for due process for the intent of this legislation, which is hopefully in the year 1986 to move us away from what is some of the outright cruelty to animals, that this amendment does not serve the purpose of the legislation. I would hope it would be defeated.

Senator BELL. Mr. President, I desire to interrogate the sponsor of the amendment, the gentleman from Schuylkill, Senator Rhoades.

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

Senator RHOADES. I will, Mr. President.

Senator BELL. Mr. President, did I hear correctly, that if I were driving down the road and I hit a dog and the dog is laying in the middle of the road with a broken back, that a police officer could not put that animal out of its misery?

Senator RHOADES. Mr. President, not under the effect of this bill. My interpretation is dealing with the actual fighting of the animals and we are talking about animals involved in the fights.

Senator BELL. Mr. President, does your amendment say fighting animals or does it say animals?

Senator RHOADES. Mr. President, "where an animal is thus seized," the "animal" referring to those seized in the raids, on line 21.

Senator BELL. Mr. President, this just means these dog pit bull-types or the fighting chickens, the cocks?

Senator RHOADES. Mr. President, that is my interpretation.

Senator BELL. Mr. President, it does not apply like if you are riding a horse and the horse breaks a leg that it be put out of its misery?

Senator RHOADES. Mr. President, that is not my interpretation.

Senator BELL. Mr. President, would the gentleman read that again?

Senator RHOADES. Mr. President, "Where an animal is thus seized, the police officer or agent is authorized to provide such care as is reasonably necessary and, after conviction or, if prior to conviction, after a hearing on the issue of disability, injury or disease, where any animal thus seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal."

Senator BELL. Mr. President, I do not hear where it was involved in a cock fight or a pit bull fight in there. I think this is an awful type of an amendment to be trying to pass in the turkey season.

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

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

YEAS—3

Helfrick	Lincoln	Rhoades
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NAYS—44

Andrezeski	Hess	Moore	Shaffer
Armstrong	Holl	Musto	Shumaker
Bell	Hopper	O'Pake	Singel
Bodack	Howard	Pecora	Stapleton
Brightbill	Jones	Peterson	Stauffer
Corman	Jubelirer	Reibman	Stout
Early	Kelley	Rocks	Tilghman

Fisher	Kratzer	Romanelli	Wenger
Fumo	Loeper	Ross	Williams
Greenleaf	Madigan	Salvatore	Wilt
Hankins	Mellow	Scanlon	Zemprelli

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

#### RHOADES AMENDMENT IV

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

Amend Sec. 1, page 1, line 8, by striking out "a subsection is added" and inserting: the section is amended by adding subsections

Amend Sec. 1 (Sec. 5511), page 3, lines 25 and 26, by striking out "felony of the third degree" and inserting: summary offense

Amend Sec. 1 (Sec. 5511), page 4, by inserting between lines 11 and 12:

(h.2) Dogfighting.—A person commits a misdemeanor of the second degree if he:

(1) for amusement or gain, causes, allows or permits any dog to engage in dogfighting;

(2) receives compensation for the admission of another person to any place used for dogfighting;

(3) owns, possesses, keeps, trains, promotes, purchases or knowingly sells any dog for dogfighting;

(4) in any way knowingly encourages, aids, assists or promotes dogfighting;

(5) wagers on the outcome of a dogfight;

(6) attends a dogfight as a spectator; or

(7) knowingly permits any place under his control or possession to be kept or used for dogfighting.

Amend Sec. 1 (Sec. 5511), page 6, line 10, by striking out "dog,"

On the question,

Will the Senate agree to the amendment?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of the Minority Leader, Senator Zemprelli and his leave will be cancelled.

And the question recurring,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, this amendment would make animal fighting a summary offense—that is up to ninety days in jail—as is the present provision of the Crimes Code. It would change the definition of animal fighting by removing the word "dog." Dog fighting would have a stiffer penalty of a misdemeanor of the second degree, which was equal to the present Crimes Code provision for killing or maiming domestic or zoo animals, and that would be up to two years maximum in jail.

Senator GREENLEAF. Mr. President, I would also urge a "no" vote on this. What it does is it provides for a summary offense for all animal fighting other than dogs. That includes all, not just game fowl fighting. It provides that for dog fighting it would only be a misdemeanor, which would place Penn-

sylvania completely out of step with the rest of the nation, namely, thirty other states provide for felony penalty for those people who engage in this type of activity and, as a result, Pennsylvania would continue to remain the haven of the dog fighting in the United States. There is a need for a more severe penalty here because there are large amounts of monies that are gambled during these fights and a summary and/or a misdemeanor charge is not going to deter them. In fact, it is only going to encourage them to come to Pennsylvania and engage in their large gambling. In addition, it promotes and encourages certain other illegal activities related to these events. I would hope we would be able to not water down the penalty that is contained in the bill now.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of the gentleman from Dauphin, Senator Shumaker, and his leave is cancelled.

#### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Salvatore has been called from the floor and I request a legislative leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper requests a Capitol leave for Senator Salvatore. The Chair hears no objection. The leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, I would just like to read into the record, under Subchapter B of the Game Commission, Section 2321:

"Kill or take or attempt or conspire to kill or take in any manner more than the lawful number of big game animals which may be taken in any license year.

"Penalty.—

"A violation of this section relating to bear or elk is a summary offense of the first degree.

"A violation of this section relating to deer is a summary offense of the second degree.

"A violation of this section relating to wild turkey is a summary offense of the fourth degree.

"Each bird or animal or part thereof involved in a violation constitutes a separate offense."

I bring this up as a matter of point of where numbers are in terms of where we are and where we are moving.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Hopper and his leave is cancelled.

And the question recurring,

Will the Senate agree to the amendment?

Senator BELL. Mr. President, maybe the television lies, but, I have seen a series over the Philadelphia area television stations of very gory situations involving the training of pit bulls. These are dogs and dog fights. What they do is steal somebody's dog and they throw it in with a pit bull just to get



him ferocious. I do not know how many of you people have dogs but I have a dog at home, and to think that people steal pet dogs and throw them in with these pit bulls, let the pit bulldog tear him to pieces, just to get his fighting spirit up. I think that is heinous.

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

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

YEAS—4

Helfrick	Kratzer	Lincoln	Rhoades
NAYS—43			
Andrezeski	Hess	Musto	Shumaker
Armstrong	Holl	O'Pake	Singel
Bell	Hopper	Pecora	Stapleton
Bodack	Howard	Peterson	Stauffer
Brightbill	Jones	Reibman	Stout
Corman	Jubelirer	Rocks	Tilghman
Early	Kelley	Romanelli	Wenger
Fisher	Loeper	Ross	Williams
Fumo	Madigan	Salvatore	Wilt
Greenleaf	Mellow	Scanlon	Zemprelli
Hankins	Moore	Shaffer	

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

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

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

On the question,  
Shall the bill pass finally?

Senator RHOADES. Mr. President, I will not belabor the point, nor am I trying to negate or lessen the seriousness that was within the pit bull fighting or the cock fighting or fighting of any other animals, but I just thought there was a certain amount of reasonableness.

I would like to read an article that was in the Harrisburg Evening News on November 14th:

"'Killing two birds' is a grim reality at Hegins 'sport' event." Hegins happens to be in my area. It is a shoot that has gone on for fifty years. An attempt was made to shut it down. It is a letter to Dear Abby.

"Your letter about 'killing two birds with one stone' had a special meaning for me. Recently we visited our son and his fiancee in New York. On Labor day weekend, we drove to Hegins, Pa., to protest a live bird shoot.

"Thousands of pigeons are brought in cages to a park where they are released to be shot by 'sportsmen.' These birds, which are semi-domestic, have to be encouraged (forced) to fly into the air so the 'sportsmen' can shoot them down.

"To make matters worse, when the birds are shot but not killed, children are sent out to wring their necks and finish the job.

"You could do a truly humane service by contacting the governor of Pennsylvania and trying to get this barbaric spectacle outlawed as it is in many states."

It is signed, "Kay Baur, Los Angeles."

"Dear Kay: Governor Dick Thornburgh may think I'm 'for the birds' for sticking my beak into his business, but I promise you that I will set the wheels in motion to do whatever I can to bring down this inhumane sport."

Again, not minimizing any of the fighting that goes on or the cruelty, but maybe I will just leave you with this thought of two hens fighting, to the thought of a twelve gauge shotgun killing a pheasant. Think about the humaneness.

And the question recurring,  
Shall the bill pass finally?

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

YEAS—45

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

NAYS—2

Kratzer	Rhoades
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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 2656 (Pr. No. 4016)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1951 (P. L. 317, No. 69), entitled, as amended, "The Professional Nursing Law," prohibiting the Board from making changes in entry-level nursing education or licensure requirements; and further providing for nursing programs.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

Fumo	Lincoln	Romanelli	Williams
Greenleaf	Loeper	Ross	Wilt
Hankins	Madigan	Salvatore	Zemprelli
Helfrick	Mellow	Scanlon	

NAYS—0

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

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

**HB 2734 (Pr. No. 4017)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 2, 1956 (1955 P. L. 1211, No. 376), known as the "Practical Nurse Law," further providing for eligibility for nursing examinations.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

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

NAYS—0

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

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

**LEGISLATIVE LEAVE**

Senator STAUFFER. Mr. President, I would ask for a Capitol leave for Senator Howard who has just been called from the floor.

The PRESIDENT pro tempore. Senator Stauffer requests a temporary Capitol leave for Senator Howard. The Chair hears no objection, that leave will be granted.

**SUPPLEMENTAL CALENDAR NO. 1**

**HB 1735 CALLED UP OUT OF ORDER**

**HB 1735 (Pr. No. 4184)** — Without objection, the bill was called up out of order, from page 1 of the Second Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

**HB 1735 (Pr. No. 4184)** — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

**LEGISLATIVE LEAVE**

Senator STAUFFER. Mr. President, I would ask for a temporary Capitol leave for Senator Fisher who has been called from the floor.

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

**CONSIDERATION OF CALENDAR RESUMED**

**HB 1937 CALLED UP**

**HB 1937 (Pr. No. 4141)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Third Consideration Calendar, by Senator STAUFFER.

**BILL ON THIRD CONSIDERATION AMENDED AND OVER IN ORDER TEMPORARILY**

**HB 1937 (Pr. No. 4141)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing the State System of Higher Education to enter into contracts for maintenance projects to repair buildings and other facilities.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

**HELFRICK-MADIGAN AMENDMENT**

Senator HELFRICK, on behalf of himself and Senator MADIGAN, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 5, by inserting after "thereto,"": providing for the imposition of taxes on earned income by school districts which eliminate certain other taxes; and

Amend Bill, page 2, by inserting between lines 19 and 20:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 680.1. School District Option.—(a) Whenever any school district subject to the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," has heretofore levied any occupation tax using a millage or percentage as a base in school year 1986-1987, such school dis-

trict, after the will of the electors of the school district is determined in the affirmative by referendum, shall repeal any such occupation tax and may in lieu thereof levy, assess and collect an additional tax on wages, salaries, commissions and other earned income of individuals at a rate not to exceed one per centum. Such tax on earned income shall be in addition to any other tax on earned income authorized by any other act. The levy, assessment and collection of such additional tax on earned income shall be done in accordance with the provisions of "The Local Tax Enabling Act" which are incorporated herein by reference. Any school district which levies such additional tax on earned income shall permanently lose the authority to levy and collect any occupation tax using a millage or percentage as a base. Revenues derived from the tax authorized by this section shall be for the sole use of the school district.

(b) Whenever electors equal to at least five per centum of the highest vote cast for any school director at the last preceding municipal election in any school district described in subsection (a), or the school board of any such district, files a petition with the county board of elections of the county for a referendum on the question of the will of the electors with respect to the levy, assessment and collection for the sole use of the school district, of an additional tax upon earned income at a rate not to exceed one per centum, in lieu of an occupation tax using a millage or percentage as a base, but not oftener than once every five years, the county board of elections shall cause the question to be placed on the ballot and submitted at the next municipal primary election more than sixty (60) days after the petition is filed. These proceedings shall be in the same manner and subject to the provisions of the election laws insofar as such provisions are applicable.

(c) The question shall be in the following form:

Do you favor the imposition of an additional school tax upon earned income, not to exceed one per centum, in lieu of an occupation tax using a millage or percentage as a base?

(d) If a majority of the voting electors vote "Yes," then the school district may levy the tax authorized by subsection (a).

(e) The aggregate amount of all taxes imposed under this section by a school district that levies the tax authorized by this section shall not in the first year the tax is levied exceed one hundred five per centum of the total taxes levied under the occupation tax in the previous year and the school district shall not increase the rate of such levy in any subsequent year.

Amend Sec. 1, page 2, line 20, by striking out "1" and inserting: 2

Amend Sec. 1, page 2, lines 20 and 21, by striking out "OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,"

Amend Sec. 2, page 3, line 14, by striking out "2" and inserting: 3

Amend Sec. 3, page 4, line 8, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

Senator HELFRICK. Mr. President, I think Congress this year has shown us that this is the year of tax reform. What my legislation does today is try and eliminate the occupational privilege tax and replace it with a maximum of one percent earned income tax.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Helfrick.

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

Senator HELFRICK. I will, Mr. President.

Senator KELLEY. Mr. President, the gentleman then is saying that his amendment amounts to tax reform. Is that correct?

Senator HELFRICK. Mr. President, I would think it is tax reform, yes.

Senator KELLEY. Mr. President, does the gentleman feel it is responsible to consider an amendment of such magnitude at 5:00 p.m. this evening when there are so many people on leave, an issue that should be debated and discussed thoroughly by committees—if not there, at least on the floor of this Chamber? At least we would have had adequate notice instead of it being brought up so late in the day. I wonder if the gentleman would feel that there is justification for such an issue of this magnitude and this impact to be considered under those circumstances?

Senator HELFRICK. Mr. President, I would not have brought the amendment up today had I not thought that it was very important and thought it should be considered today.

Senator KELLEY. I thank the gentleman, Mr. President. Of course, I would expect no less from the gentleman because if he considers it important enough, we all do. But he did not respond to my question. My question was, because it is so important as he admittedly says, but he did elect to bring it up under these conditions and circumstances. I am appalled, I suppose, but never surprised because I do not know how many times I have heard the gentleman from Chester talk about various amendments that have been offered by the Minority in this Chamber so long as he has been in the Majority, and he talks about the amendment representing such an important issue that it must necessarily and responsibly be considered on its own merits in a single piece of legislation. Here the gentleman from Chester himself, who has been an advocate of tax reform along these lines for years, is always thinking and advancing it in a single piece of legislation, its own legislation. I am looking forward and anticipating that he is going to stand up after I am finished, Mr. President, and he is going to join in on the same course he has always set for the tax reform. I think it is appalling, but, as I say, never surprising. I think it would be ludicrous for us, at the very least, if the best explanation we can say is that this amendment represents tax reform and we are going to reduce certain millages and put on a one percent income tax. That is not an explanation. I think it is important to know the impact it is going to have on every school district. Every time we deal with taxes with school districts we get a printout of how it impacts every school district in this Commonwealth. I would like to ask the gentleman from Northumberland, does he have such a printout as this amendment would affect it, Mr. President?

Senator HELFRICK. Yes, I have, Mr. President.

Senator KELLEY. Mr. President, would the gentleman be so kind as to share that information with everybody else in this Chamber? Would the gentleman be so kind as to elaborate so we could vote intelligently? Is the impact positive or negative as regard to the reduction of the various taxes and the incidences of additional taxes or supplemental taxes?

Senator HELFRICK. Mr. President, this legislation was thoroughly debated in our caucus, and I assumed it was thoroughly debated in the Democratic caucus. I could be wrong on that, but it was my understanding it was debated.

Senator KELLEY. Mr. President, I want to commend the gentleman, because now the gentleman has made a point that is relevant and incidental to everything that we do of magnitude. To deny the public, through the media, the exchanges and the knowledge that have gone on on an issue that the gentleman says is so important to be considered and, yet, to hide in the defense of the closed doors of the caucus is not only ludicrous, I would suggest it is the height of irresponsibility by us as a so-called deliberative Body. I do not attend caucus. There is no law, regulation or rule that says a Member must attend caucus. One of the reasons is because I want to make the point of the fact that on this floor in the public arena should be the discussions of all proposed and considered legislation, especially with the magnitude of the impact of this amendment. I am appalled, but not surprised, Mr. President.

Senator HELFRICK. Mr. President, I probably neglected to say in the beginning that this tax requires a referendum of the people it involves before it can be enacted. We are not actually enacting it. This is enabling legislation for a referendum for this tax.

Senator EARLY. Mr. President, I congratulate the gentleman for offering this particular amendment. I disagree with my colleague, the gentleman from Westmoreland, Senator Kelley. Even though this is a major piece of legislation, there is no reason why it cannot be offered in an amendment, and there is not one person on this floor who does not know exactly what this amendment is going to do. The fact that it is done through the amendment route is no excuse for anyone to vote against this particular amendment.

I have to admit, Mr. President, that I have tried for sixteen years to get an amendment passed to Act 511, and I did not care if it would have been through legislation, through amendment, or whatever. Unfortunately, Mr. President, the sponsor of this particular amendment did vote against me every time, and I think mine was as meritorious as his.

I do not think anyone can dispute the fact that what he is attempting to do is correct. The occupation tax, which, by the way, Mr. President, does not affect anyone who lives in my particular district, because there are no school districts which impose an occupation tax in my particular area, even though they are permitted. But, I do not believe I should take a rationalization that since it does not affect my particular constituents that I should vote against something that I think should be done. I do not believe the gentleman is going to be successful, as I have not been successful in sixteen years, and I do not think I am going to be successful in the next three days. In fact, I know I am not going to be successful in the next three days in accomplishing eliminating the property tax and replacing it with an income tax. The gentleman so indicated that his amendment is going to replace it with an earned income tax. This, Mr. President, is something I am not quite in favor of. An earned income tax is one that really puts the

burden on working people. But if he, in turn, is going to eliminate an occupation tax, what he is doing is eliminating a tax that is being paid by working people. So I can see some justification although he does nothing in this particular amendment to which I think the issue should be addressed and maybe someone will pick up the cause in January, and that is trying to get those who have no earned income to pay their fair share towards school districts. The gentleman does not address that issue, but I do not think that should be a rationale. I would like to see us tonight, Mr. President, voting in the affirmative for this particular amendment, because I think it would show that this legislative Body is willing to look at Act 511 that has many inequities and the gentleman has hit on one very important one. So I think regardless if it is an amendment as my colleague has indicated he is against, and regardless if it does not affect your particular district as it does not affect mine, I think it is a meritorious amendment, and I think we should all vote in the affirmative, unless you come on this floor and tell us specifically why you want to retain an occupation tax and come on the floor and say that the occupation tax is better than the earned income tax that the gentleman is trying to achieve. If you can give us a justification for that, then there are microphones here that are available. But if you cannot give a justification for that, then I think you owe it to the gentleman who is offering this particular amendment, and I think you owe it to other Senators who would in future years like to address the issue of unfairness in tax and you owe it to the people of Pennsylvania who are paying this particular tax, and I think it would show everyone that we in this particular Body are sincere in trying to reform taxes that school districts are collecting.

Senator ROCKS. Mr. President, I, too, rise in opposition to this amendment. I, for a long time, highly regarded the gentleman from Allegheny, Senator Early, and his known expertise on this issue and also the depth of his commitment, and I have no doubt that the Senator understands the impact of this amendment as it would come upon the school districts in the Senatorial district that he has so ably represented. I have no doubt that the maker of the amendment, the gentleman from Northumberland, Senator Helfrick, understands the impact of this amendment on his Senatorial district, those school districts therein. I, too, would like to underscore one theme that the gentleman from Westmoreland, Senator Kelley, I believe, articulated here, and it is important for those of us in the rest of this Commonwealth. I, for one, pay little attention to school district budget-making, funding and methods of taxation, those revenue raisers that bring the money in to pay for education in this state. I have not the foggiest idea as to what the impact of this amendment would be on the school district that I represent.

Mr. President, if there is in my mind an indictment of failure on the Thornburgh Administration, it is to have watched eight years pass by, eight years when once upon a time candidate Thornburgh spoke long and hard about the need for local tax reform—and he now faces the absolute denouement of his stewardship of this Commonwealth—and

not one single attempt at the long overdue need for local tax reform in this Commonwealth, a situation that I remain totally convinced will be remedied by the incoming Governor of this state, and for us to dare take this step, which is—

#### POINT OF ORDER

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

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

Senator BELL. Mr. President, is this a campaign to elect a Governor? I thought Thornburgh's regime was defeated the other day.

The PRESIDENT pro tempore. The hour is getting late and everybody wants to get home. The amendment before us is Senator Helfrick's amendment and if you would confine yourself to that, Senator.

#### POINT OF ORDER

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

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

Senator ZEMPRELLI. Mr. President, what was the point of order requested by the previous gentleman?

The PRESIDENT pro tempore. He asked if this was a campaign speech or whether we were debating on the amendment. I think it was that the debate was out of order, and I said it is getting late. Let us confine ourselves to the Helfrick amendment and proceed.

Senator ROCKS. Mr. President, for my colleague from Delaware County who may have missed some of my finer campaign speeches, I do not have to make any more, Mr. President, for a while.

#### POINT OF ORDER

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

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

Senator ZEMPRELLI. Mr. President, I would hope that the Chair is not ruling the gentleman's debate out of order.

The PRESIDENT pro tempore. I think the Chair has spoken for itself.

#### POINT OF ORDER

Senator ROCKS. Mr. President, then I will raise a point of order.

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

Senator ROCKS. Mr. President, I would like to ask if in any way my commentary in this debate has been ruled upon by this Chair as being out of order?

The PRESIDENT pro tempore. Senator, the Chair has not ruled and the Chair would suggest that you heed us in the sense that you have the floor, let us go on. We have an important issue before us. I do not think we need to get off the given path. The Chair has not ruled, and I am suggesting that you continue to debate on the Helfrick amendment.

Senator ROCKS. Mr. President, I will continue exactly at the point where I left off, reiterating those final premises that I was trying to establish. I had said that I judged it to be an indictment of failure of the eight years of Governor Thornburgh that we do not have local tax reform in this Commonwealth. I judge local tax reform to be so critical an issue that the offering of this amendment flies in the face of the total concept of tax reform. Many a person in this Senate Chamber understands how crucial tax reform is to the very survival of a number of our school districts and to our local governments. The offering of this amendment, while it may well be understood for the Senatorial district of the gentleman from Northumberland, Senator Helfrick, is not understood. This amendment, for example, contains a referendum. It seems to me before the closing hours of a sine die adjournment, that we might have some thorough airing of a concept of referendum on the issue of how people are going to be taxed. That is a far, far reaching concept. Other states have studied it for years before they ever put it to a vote, and we are about to do that.

Mr. President, I have some strong feelings about this amendment, because this is a very, very serious proposal that is in front of us, and I think we make a very bad mistake for the creation of public policy as charged to us in the lawmaking Body of this Commonwealth to pass this amendment on this day, at this hour, however well intended, or however well it may be understood by some few who know what this approach to taxation does to their school districts. I do not, and I think I have a right to understand it, and I think we all have an obligation to understand its impact on this entire state of ours.

Senator ZEMPRELLI. Mr. President, it is indeed a pleasure for me to know that in addressing an issue that we can be addressing it on substantive matters as opposed to straight party lines, even though it be a late hour, because the opinion that I will express as to this amendment will not be as to the substance of the Senator's amendment, which I endorse entirely, but as to the amount of the tax imposed. To that extent, I am in deference to my very good friend, the gentleman from Philadelphia, Senator Rocks and others who have challenged the hour. In defense of that, I would suggest that we have discussed this issue at length. It is not a difficult amendment to understand. Its impact, perhaps, can be rectified if, in fact, it turns out that in substance it was not a good decision. Reform is reform, regardless of how major it is. The first step must be taken. Admittedly, this is but a small step in the whole spectrum of what is needed in tax reform.

Let us talk about what the gentleman's amendment would do in concept and in operation. It addresses, first of all, perhaps the most horrendous and regressive tax under Act 511, that of an occupation tax. It is not difficult to understand that there is something wrong with the tax that taxes all truck drivers at the same rate. It is not difficult to understand that a tax that taxes all doctors at the same rate, regardless of income, is not a good tax, and the same would apply to all laborers and all managers. It even applies to all employees,

regardless of what their income may be, that they would be taxed the same under the horrendous and regressive occupation tax. But what would the concept of the amendment do? It would allow a school district or 5 percent of the electorate to place on a ballot, first of all, whether or not to discontinue a levy of an occupation tax and to substitute that occupation tax with the levy of an earned income tax, and here is where I differ with the gentleman. His amendment would provide for one percent. The amendment I will offer will provide for one and one-half percent, and in even imposing that sanction of changing the base of a tax on a more favorable basis, it allows for a retention or a restriction that would prohibit a particular school district from benefiting beyond its present revenues for a period of one year. That would be the sampling, the trial period of time, to see where we are headed. To suggest that this was something that was done on the spur of the moment is not correct.

Representative Showers, in conjunction with Members of my caucus and myself, has studied this issue and considers it to be extremely important, and I am, in fact, offering it on the basis of the information that has been made available to me, and that is the amendment I would offer. I would suggest to the gentleman from Northumberland, Senator Helfrick, that I endorse everything he said, except as to the percentage, and it has been, in fact, my experience that the one percent does not do the job on a uniform tax and there are many, many examples of particular types of occupations where that has not been a factor in producing the same amount of revenues.

Secondly, I suggest and I would say that these remarks would also be germane in any remarks I would say with respect to the amendment that I would propose, and that is that this is a maximum we are speaking of and does not require that that amount of tax be imposed but only allows for that sum in the event that it will produce the same revenues. Simply, the difference between his amendment and that which I will offer, hopefully, and why I cannot support his amendment is that I believe, in order to do the job, we have to provide the ability for a tax on an income of up to one and one-half percent. That would be the reason why I would be voting against his amendment.

Senator RHOADES. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Helfrick.

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

Senator HELFRICK. I will, Mr. President.

Senator RHOADES. Mr. President, there is a one percent limit then on the wage tax?

Senator HELFRICK. That is correct, Mr. President.

Senator RHOADES. Mr. President, this would be switchable, balanced against the occupational taxes that exist today?

Senator HELFRICK. That is correct, Mr. President.

Senator RHOADES. Mr. President, are there gradients within the measure right now that limits or does it all go to one percent at one time?

Senator HELFRICK. No, Mr. President. It cannot be more than a maximum of 105 percent of the occupational tax, whatever percentage is necessary to do that for the first year, and after that the rate has to remain at that same rate.

Senator RHOADES. Mr. President, but that level could also be set by the school board lower than the one percent or the 105 percent?

Senator HELFRICK. That is correct, Mr. President. It can be set to whatever tax is necessary to equalize the occupational privilege tax.

Senator RHOADES. Mr. President, then the school district would not have to go in and have a swelled increase at one particular time?

Senator HELFRICK. Mr. President, it will have one particular increase, whatever is necessary. It could be a lot lower than one percent.

Senator RHOADES. Mr. President, this would go on referendum, therefore, and be approved by the school districts and those school districts that now have the occupational tax would be the only ones eligible for this new tax?

Senator HELFRICK. That is correct, Mr. President.

**The PRESIDING OFFICER (Clarence D. Bell) in the Chair.**

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

The PRESIDING OFFICER. Will the gentleman from Allegheny, Senator Zemprelli, permit himself to be interrogated?

Senator ZEMPRELLI. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, in the gentleman's debate he indicated that one percent was inadequate and he made reference to the taxing of certain professions. Is that correct?

Senator ZEMPRELLI. Yes, I did, Mr. President.

Senator BRIGHTBILL. Mr. President, would that indicate that the gentleman's debate then would say that there would be certain professions, that that particular profession would pay more under an occupational millage tax than under the one percent?

Senator ZEMPRELLI. Absolutely, Mr. President.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate what professions those are?

Senator ZEMPRELLI. Mr. President, almost in every instance of any type of occupation. Probably the most valid argument would be one which places an occupation tax on employees as such which would take in a spectrum of employment income from \$2,000 to \$200,000 or \$300,000 in which a flat tax would apply, and the comparison to an income tax would make that income tax be less than or more than the amount that is involved, particularly less than. I am thinking in terms of some communities that I know have an occupation tax on doctors or lawyers of approximately \$300, from some information I have received, in which a part-time lawyer or a part-time doctor would not incur by the imposition of an earned income tax of one percent, nearly the revenue that it would by a flat occupation tax.



Senator BRIGHTBILL. Mr. President, is the gentleman then indicating that the income tax would then treat unfairly members of certain professions?

Senator ZEMPRELLI. Mr. President, I am suggesting that with the cap on an income tax and the proviso of limitation that the tax yielded for the first year should not yield more revenue than that which is imposed by the occupation tax as they control wherein the limit or the cap should be sufficient to take care of the problem of the differential I referred to.

Senator BRIGHTBILL. Mr. President, would the gentleman then be saying that we should not look at the total revenues of the school district but rather as it impacts on profession by profession?

Senator ZEMPRELLI. Mr. President, I am suggesting that they are both to be considered. One is that we do not provide a bonanza for school districts to move to an income tax that would produce megadollars more than what it is, but it allows for an adjustment in the tax structure to recognize that a flat tax on a particular occupation works an inequity. It is regressive.

Senator BRIGHTBILL. Mr. President, so the gentleman indicates he likes this amendment except that the gentleman feels that the maximum tax should be one and one-half percent instead of one percent?

Senator ZEMPRELLI. That is all I said, Mr. President. It took me a little longer to say it than that, but that is precisely how I started and that is precisely how I ended.

Senator BRIGHTBILL. Mr. President, did the gentleman indicate that he and Representative Showers have done considerable study and research on this subject and it is their conclusion that we need a one and one-half percent income tax based upon this study and research?

Senator ZEMPRELLI. No, Mr. President.

Senator BRIGHTBILL. Is the gentleman guessing, Mr. President?

Senator ZEMPRELLI. Mr. President, what I am suggesting is that Representative Showers has been in contact with Members of my caucus, and from information that I have received from speaking to various people, the one percent limitation is not sufficient to correct the problem in many instances.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate one instance in the Commonwealth of Pennsylvania where a one percent income tax would not exceed by 105 percent the revenues presently being generated by an occupational millage tax?

Senator ZEMPRELLI. I hope the gentleman is not put in the same posture that I was the other day, Mr. President, when I asked for a nomination that I had not approved for the Secretary and asked for a second one, because I am going to pick one from the gentleman's district or the district of the gentleman from Northumberland, Senator Helfrick.

Senator BRIGHTBILL. Go ahead.

Senator ZEMPRELLI. Mr. President, Upper Dauphin and Selinsgrove—well maybe not from the gentleman's district but he asked for examples.

Senator BRIGHTBILL. Mr. President, I asked for one example. Give me the numbers.

Senator ZEMPRELLI. Mr. President, in the Upper Dauphin Area School District the earned income is \$55,395,548 and the occupation tax is \$620,270. The ratio rate would be 1.12. There would be a shortfall. Does the gentleman want another one? Also Selinsgrove.

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

Senator BRIGHTBILL. Mr. President, Would the gentleman not indicate that those are the combined occupational tax revenue figures?

Senator ZEMPRELLI. Mr. President, in Lycoming County, East Lycoming School District, without giving the gentleman the numbers on the printout, 1.12 is also the rate of ratio.

Senator BRIGHTBILL. Mr. President, but does that figure not include both occupational taxes?

Senator ZEMPRELLI. Mr. President, the figure includes a comparison on levy as opposed to the total revenues of the district.

Senator BRIGHTBILL. But, Mr. President, does that figure not include both taxes?

Senator ZEMPRELLI. In my judgment, Mr. President, it does not.

Mr. President, if the printout that I have before me is accurate, it refers specifically to the imposition of the occupation tax. I will be happy to share it with the gentleman. It is provided by the Department of Education.

Senator BRIGHTBILL. Mr. President, the printout the gentleman has does not refer to a single tax but both taxes. The point is, Mr. President, that one percent is more than adequate.

Senator ZEMPRELLI. Mr. President, I am reading from the printout.

#### POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, my point was that that was not an interrogation to the gentleman but rather was in the form of debate and that the gentleman's comment would be out of order.

The PRESIDENT pro tempore. You have the floor. I came in in the middle. I thought there was an interrogation going on. The Chair apologizes. Senator Brightbill has the floor and then I will be happy to recognize Senator Zemprelli for a response.

Senator BRIGHTBILL. Mr. President, we are here once again as Legislators engaged in a balance. Unless someone comes forward with hard, accurate evidence that we need more than one percent, I, for one, am not willing to vote for one and one-half percent, although, frankly, I would vote for one and one-half percent before I voted for no percent.

Senator ZEMPRELLI. Mr. President, it is an argument without distinction. The maximum that a school district can go would be that amount that would equal the occupation tax in place. Mr. President, in defense of my position in the statements that I have made, I am reading from a publication of the Department of Education. It very clearly states in the captions at the top of the printout that the figures I have read pertain to the 1984-1985 earned income and the 1984-1985 occupation tax and recites the amounts that are derived by those school districts and it indicates the rate. Any reasonable construction of this schedule means to me that when it says 1.12, that an imposition of a maximum tax of one percent would leave that school district deficient by twelve-hundredths of one percent. That is what it means to me. Again I say that the gentleman's argument is a distinction without merit, simply because we are only talking about the ability to impose a tax that would overcome that income and not one that would allow it to go to one and one-half if, in fact, one and one-half was not justified.

Senator HELFRICK. Mr. President, I would like to take just a moment to thank the gentleman from Allegheny, Senator Zempirelli, because he probably explained this bill much better than I. I must agree with him that I am not the only one who worked on this bill. There were a lot of people who worked on this bill. It is such an important issue, and I appreciate the fact that there are so many people interested and so many people involved. I would ask for an affirmative vote at the one percent.

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

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

YEAS—22

Armstrong	Helfrick	Moore	Shumaker
Bell	Hess	Peterson	Stauffer
Brightbill	Hopper	Rhoades	Tilghman
Corman	Howard	Salvatore	Wenger
Early	Loeper	Shaffer	Wilt
Fisher	Madigan		

NAYS—25

Andrezeski	Jubelirer	O'Pake	Scanlon
Bodack	Kelley	Pecora	Singel
Fumo	Kratzer	Reibman	Stapleton
Greenleaf	Lincoln	Rocks	Stout
Hankins	Mellow	Romanelli	Williams
Holl	Musto	Ross	Zempirelli
Jones			

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

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

ZEMPRELLI AMENDMENT

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

Amend Title, page 1, line 5, by inserting after "thereto,"": providing for the imposition of taxes on earned income by school districts which eliminate certain other taxes; and

Amend Bill, page 2, by inserting between lines 19 and 20:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 680.1. School District Option.—(a) Any school district subject to the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," which has levied any occupation tax using a millage or percentage as a base during the 1986-1987 fiscal year, after the will of the electors of the school district is determined in the affirmative by referendum, shall repeal any such occupation tax and may in lieu thereof levy, assess and collect an additional tax on wages, salaries, commissions and other earned income of individuals at a rate not to exceed one and one-half per centum. Such tax on earned income shall be in addition to any other tax on earned income authorized by any other act. The levy, assessment and collection of such additional tax on earned income shall be done in accordance with the provisions of "The Local Tax Enabling Act" which are incorporated herein by reference. Any school district which levies such additional tax on earned income shall permanently lose the authority to levy and collect any occupation tax using a millage or percentage as a base. Revenues derived from the tax authorized by this section shall be for the sole use of the school district.

(b) Whenever electors equal to at least five per centum of the highest vote cast for any school director at the last preceding municipal election in any school district described in subsection (a), or the school board of any such district, files a petition with the county board of elections of the county for a referendum on the question of the will of the electors with respect to the levy, assessment and collection for the sole use of the school district, of an additional tax upon earned income at a rate not to exceed one and one-half per centum, in lieu of an occupation tax using a millage or percentage as a base, but not oftener than once every five years, the county board of elections shall cause the question to be placed on the ballot and submitted at the next municipal primary election more than sixty (60) days after the petition is filed. These proceedings shall be in the same manner and subject to the provisions of the election laws insofar as such provisions are applicable.

(c) The question shall be in the following form:

Do you favor the imposition of an additional school tax upon earned income, not to exceed one and one-half per centum, in lieu of an occupation tax using a millage or percentage as a base?

(d) If a majority of the voting electors vote "Yes," then the school district may levy the tax authorized by subsection (a).

(e) In the first fiscal year the additional tax authorized by this section is collected, the yield from said additional tax shall not be greater than one hundred five per centum of the amount collected the previous fiscal year from the occupation tax which is repealed in accordance with the provisions of this section.

Amend Sec. 1, page 2, line 20, by striking out "1" and inserting: 2

Amend Sec. 1, page 2, lines 20 and 21, by striking out "OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,"

Amend Sec. 2, page 3, line 14, by striking out "2" and inserting: 3

Amend Sec. 3, page 4, line 8, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. Mr. President, certainly not to burden this Chamber, the amendment is identical except that it places the maximum at one and one-half percent instead of one percent.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate whether or not this amendment permits a district which does not now have the occupational assessment tax to hereafter adopt the occupational assessment tax?

Senator ZEMPRELLI. Mr. President, it is my judgment that Act 511 would allow the passage of an occupational tax in any situation.

Senator BRIGHTBILL. Mr. President, would the gentleman then indicate if a school district that hereafter adopts an occupational assessment tax can thereafter by referendum convert to an up to one and one-half percent income tax?

Senator ZEMPRELLI. Mr. President, it is my understanding from the application of the bill that it would have to have been in effect this year. It is not prospective.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate the language in the amendment that gives us that interpretation?

Senator ZEMPRELLI. Mr. President, I do not believe you can read the act in and of itself. I believe the act speaks to a specific instance of a referendum with a given situation by operation of law and not by language in this bill, but certainly in consideration with other acts now in place, particularly Act 511 with its sanctions and with its permissions.

Senator BRIGHTBILL. Mr. President, could we have that answer read back? I do not know that that answered the question.

The PRESIDENT pro tempore. Do you wish to repeat it, Senator?

Senator ZEMPRELLI. Mr. President, if you will repeat the question, because I seriously thought I answered the question.

The PRESIDENT pro tempore. If you repeat the question, he will repeat the answer.

Senator BRIGHTBILL. Mr. President, my question was, what language in this amendment prohibits a school district from first adopting an occupational assessment tax with the idea of thereby thereafter converting it to an income tax by referendum?

Senator ZEMPRELLI. Mr. President, I answered the question succinctly that it is not specific language in this act as much as it is the operation of this act in conjunction with the provisos and enablements of Act 511. When the two are read together under reasonable legislative interpretation, it would not prohibit, in my judgment, in my opinion for what it is worth, a school district from enacting an occupation tax. It would be my judgment and my opinion that this particular

piece of legislation applies to those school districts that now have in place an occupation tax and does not apply prospectively to any other given situation as it would relate to any school district that hereinafter enacts an occupation tax.

Senator BRIGHTBILL. Mr. President, the gentleman has not answered my question. My question is, what language supports the gentleman's contention?

Senator ZEMPRELLI. Mr. President, may we be at ease for a moment because I was trying to be informative in a sense, but I will give you some language that is supportive of that theory.

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

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, I would call attention to the specific language of the amendment beginning with Section 680.1, subparagraph (a). It says, "Any school district subject to the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as 'The Local Tax Enabling Act,' which has levied any occupation tax using a millage or percentage as a base during the 1986-1987 fiscal year...."

Senator BRIGHTBILL. Mr. President, is the gentleman then indicating that earlier when he indicated there was no specific language in the amendment, that he was in error?

Senator ZEMPRELLI. Mr. President, I do not admit to error. I suggested to the gentleman that, independent of that language, I knew that the amendment was designed and the language would embrace a situation wherein an occupation tax was in place, and I think I had suggested that.

Senator BRIGHTBILL. Mr. President, does that language that the gentleman read indicate that a school district would have the rest of 1987 or at least the first portion of 1987, the first half of 1987, to enact an occupational privilege tax which would then permit it to thereafter go to an income tax?

Senator ZEMPRELLI. Mr. President, as a former solicitor for various types of municipalities, I can almost say with a degree of certainty that the fiscal matters involving a school district were enacted and are not subject to amendment at this particular time. That is to suggest that budgets are in place and the period of time for the amendment of budgets has passed.

Senator BRIGHTBILL. Mr. President, my concern here is, first, that we do eliminate this occupational privilege tax or occupational assessment tax. I very much agree with the gentleman from Allegheny, as well as the gentleman from Northumberland, Senator Helfrick, that it is time we eliminate this tax. I am voting for this bill because of the representation made by the gentleman from Allegheny, Senator Zemprelli, that this will not open the door later for school districts to enact an occupational privilege tax in the hope of being thereafter able to bootstrap into an income tax.

Senator STAUFFER. Mr. President, I rise to strongly oppose the amendment and to point out that I believe the gentleman has, to some degree, misrepresented what he has offered, because he has indicated that this is identical, rather than the one and one-half percent to the amendment offered by the gentleman from Northumberland, Senator Helfrick, and, Mr. President, that is not the case.

In the first instance, Mr. President, and a very serious difference, in the amendment offered by the gentleman from Northumberland, Senator Helfrick, he proposed that we cap the amount of occupation tax rate that could be levied, that during the year of transition, the first year, that the school district could have a new wage tax rate not to exceed that which would raise 105 percent of the amount raised the previous year through the wage tax. He then goes on to indicate that that rate which is established would be frozen, so that the only growth that would take place through the use of the occupation tax would be the natural growth that you would have through using a wage tax.

In the amendment offered by the gentleman from Allegheny, Senator Zempelli, he does not do that. He says you can collect 105 percent the first year and he stops there. He does not say anything about the second year. They can go the limit the second year.

Mr. President, that is one of the basic things that is wrong with this amendment. It is overtaxation. It is an opportunity to have local school boards overtax the people and blame it on the General Assembly. Blame it on us by saying, "We got rid of the occupation tax and the Legislature said we could replace it with a one and one-half percent wage tax." Mr. President, a one and one-half percent wage tax is a huge amount of taxation. Occupation taxes do not reach to that realm of taxation.

Furthermore, Mr. President, as I read the amendment offered by the gentleman, I do not believe that his answers to the gentleman from Lebanon, Senator Brightbill, were correct, because, as I read it, it says that if you intended to levy or levied an occupation tax during the 1986-1987 school year, that then you would have a right to turn to this. Mr. President, school taxes for the following year are levied before the end of the fiscal year, so that in June of 1987, school districts will be levying their taxes for the 1987-1988 school year. Under this amendment, the school district can pass an occupation tax, a new tax. Every school district in the state could do that. Then they could turn and have the right the following year to move into the wage tax realm so that every school district in this Commonwealth could be faced with this situation.

Mr. President, I do not believe the amendment has been properly thought out. I think it is gross overtaxation for the people, and I would urge a negative vote.

Senator EARLY. Mr. President, unfortunately, for sixteen years I have heard excuses and nitpicking, as the Majority Leader is in the process of doing, and he has done that in the past on every piece of legislation dealing with local tax reform except his own. As I understand the amendment, Mr. President, and correct me if I am wrong, there is not going to be overtaxing of school districts. It is up to one and one-half percent. They do not have to tax one and one-half percent. Correct me if I am wrong. To say that the school boards are going to overtax is a terrible indictment on the part of the elected school board members in the State of Pennsylvania. I guess the word "indictment" has a way of shaking up politi-

cians. They are elected as we are, Mr. President. I think many times they are more responsive to their constituents than we are because we are many miles away. They are not in the gallery listening to the debate. So to use that, Mr. President, as an excuse to vote against this particular amendment or the amendment that preceded it, which, unfortunately, went down by only three votes, I think that is the exact reason we have not had any meaningful reform. I think the criticism given to Governor Thornburgh in not taking the lead in local tax reform is also a main reason and a justified criticism for us not passing reform.

Mr. President, we have a situation where the southeast has a specific problem and they are not going to vote for tax reform unless their issue is addressed. Then we have the Philadelphia section which is not going to vote for tax reform unless their particular issue is addressed. Mr. President, it is totally impossible to bring any piece of legislation, either by amendment or by bill, that is going to satisfy everyone's problem dealing with local tax reform, so the only way to do it is to address the problem of the gentleman from Northumberland, Senator Helfrick, which is not a problem in my district, and give him a vote. Address the Philadelphia problem and give them a vote. Address the problem in the suburbs around Philadelphia and give them a vote. Mr. President, for sixteen years everyone has used the excuse, "It does not help my district. I have a specific problem." Therefore, the southeast did not get a vote from the rest of us. The gentleman from Northumberland, Senator Helfrick, only got twenty-three votes. Philadelphia never got sufficient votes and no one ever will. You must take a stand that you are going to address these problems individually, be willing to give a vote when it does not address your particular district, then when it is your turn in the barrel, Mr. President, it is only fair and proper that the rest of you take care of the other person's problem which does not adversely affect you.

Mr. President, this is the time. The time to start is now. It is late in the Session. It is late in the evening. Do not say this is a confusing issue because this issue has probably been discussed and more words are written in the Journals of this particular Legislature than any other subject, so do not use the rationale that you do not understand it, do not use a parochial rationale that it does not help you. Vote "no" only if it adversely affects you. Mr. President, there should not be one negative vote in this Senate on this particular amendment.

Senator ZEMPRELLI. Mr. President, first of all, I would be very commendatory of the Majority Leader. I would say that he would make an excellent lawyer. I cannot believe that he would present such a bizarre argument in such a reasonable fashion of believability. Let me tell you, Mr. President, what is wrong.

The PRESIDENT pro tempore. I know it would be improper for the Chair to say he had a good teacher, but I will not say that.

Senator ZEMPRELLI. Mr. President, let me suggest to the gentleman the difficulty with that kind of vacuum reasoning. That is in the sense that I mean you were looking through blinkers in discussing and rationalizing the situation.

First of all, if a municipality has an obligation—and I speak in terms of a school district as being a municipality—to impose no further taxes than the budget requires, the operation of this particular amendment would require that in any event the cap would not be exceeded of one and one-half percent. It does not preclude the municipality from reducing the property tax, from eliminating the occupation tax in the applicable year or in doing any other type of action that would bring a budget into place.

Mr. President, this is an ancient argument. We get it all the time when we talk about the amount of the millage without also talking about the percentage of assessment. We get it all the time when we talk about the amount of the assessment when we fail to understand the millage that is applied. There is no way to reasonably argue this issue unless you understand the total comprehension of what the whole process of taxation is about.

Mr. President, I suggest that the cap of one and one-half percent and the language of this amendment, albeit not to the precise word of the amendment offered by the gentleman from Northumberland, Senator Helfrick, is, in fact, in substance, in operation and in every other way comparable and substantially the same as the amendment offered by Senator Helfrick. Even if it were not, it does not give rise to the kind of apprehensions that the gentleman would suggest by the precise language of this amendment.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, the amendment that the gentleman has offered reads in Section 680.1, lines 3 and 4, "...known as 'The Local Tax Enabling Act,' which has levied any occupation tax using a millage or...." Is that correct?

Senator ZEMPRELLI. It does, Mr. President.

Senator BRIGHTBILL. Mr. President, and the amendment offered by the gentleman from Allegheny, Senator Zemprelli, reads in lines 3 and 4, "...known as 'The Local Tax Enabling Act,' has heretofore levied any occupation tax using a millage or percentage...."

Senator ZEMPRELLI. Mr. President, I am sorry, but you must be referring to the amendment offered by the gentleman from Northumberland, Senator Helfrick, because the language—

Senator BRIGHTBILL. Mr. President, I am referring to the amendment offered by the gentleman from Northumberland, Senator Helfrick.

Senator ZEMPRELLI. Mr. President, I thought he said Senator Zemprelli.

Senator BRIGHTBILL. Excuse me, Mr. President. The amendment of the gentleman from Northumberland, Senator Helfrick, provides "...The Local Tax Enabling Act' has heretofore"—the emphasis on "heretofore"—"levied any occupation tax using a millage...." Is that correct?

Senator ZEMPRELLI. That is correct, Mr. President.

Senator BRIGHTBILL. Mr. President, is it not a rule of statutory construction that a court, in considering the construction and legislative intent of the two separate documents, would consider that the General Assembly, the Senate of Pennsylvania, turned down an amendment that had the "heretofore" in it and then passed an amendment with the "heretofore" out of it? Would not a fair and reasonable construction of that act and of our act be that we intended to permit school districts, whether it was heretofore or not, to levy an occupational assessment tax?

Senator ZEMPRELLI. Mr. President, first of all, I do not agree with the construction that was given. The amendment that was offered by the gentleman from Northumberland, Senator Helfrick, was defeated. It, therefore, has no substance for comparison. But I think—and I come back to where I started—in the construction of the language of the amendment that I have offered, if this amendment is passed, you would have to take and read the school code which also says that you are prohibited from, in fact, passing any additional tax after a given time. That tax has passed for the fiscal year 1986-1987 and that, in fact, gives substance to the argument I have made and the interpretation I have made with respect to this amendment.

To say it again, I believe that it is impossible under the school code to enact any tax for the fiscal year 1986-1987, absent an emergency provision which would be required by the court. The court would not enter into this as a matter of enablement. These provisions are rather specific. I only offer the court decree as being an escape for an emergency situation, independent of anything we would be considering here with this law or this amendment.

Senator BRIGHTBILL. Mr. President, does that mean the gentleman agrees with me?

Senator ZEMPRELLI. Mr. President, I certainly do not want the gentleman to believe that I agreed with him for one second about anything he has said or inquired about. I really do not want to repeat it again. I would rather that he read the record tomorrow. But, in simplicity, I am saying to you, Senator, no, I do not agree with what you have described as the reasonable construction of the two amendments.

Senator BRIGHTBILL. Mr. President, I believe, and I am concerned here, that we are drawing a loophole, as the layman would say, that we can drive a proverbial truck through.

Senator ROCKS. Mr. President, I just wanted to give very brief testimony to the fact that I, too, have had a good teacher, and since the time of my somewhat vociferous debate on the last amendment, I have been thoroughly enlightened on this issue and I just wanted to say that I am in support of the Zemprelli amendment.

Senator KELLEY. Mr. President, I do not know who the teacher was of the gentleman from Philadelphia, Senator Rocks, but I certainly say that the observation made by the gentleman from Allegheny upon the qualities of the argument of the gentleman from Chester could only be appreciated by someone equal to the quality of the gentleman from Chester.

As far as the amendment goes, Mr. President, I believe it would be rather ludicrous to support this amendment if one did not support the previous amendment offered by the gentleman from Northumberland, Senator Helfrick. The most important thing, if we are considering tax reform, is uniformity. The worst thing we can do is to attempt to get tax reform by having each school district on its own going off with different authorities, and that is what this bill and this amendment would permit if it were so amended. If we want to permit this, what we should do is legislate the authority for school districts to do it so at least the authority would be uniform. I do not know anything that can make the taxing climate of this Commonwealth worse than to again convolute all the various taxing authorities in this Commonwealth among the school districts and the municipalities, and every other way. If we are going to be in the modern times and have a good healthy tax climate in this Commonwealth, we are going to have as much uniformity as reasonably obtainable, whether it is for the school districts, on property, on income, occupational, no matter what it is, but uniformity is the key answer, not complicated and convoluted duplications and overlapping.

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

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

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

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

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

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

Senator KELLEY. 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—24

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

NAYS—23

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

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

On the question,

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

REIBMAN-MADIGAN AMENDMENT

Senator REIBMAN, on behalf of herself and Senator MADIGAN, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 8, by removing the period after "facilities" and inserting: ; increasing reimbursement for school building construction; and making editorial changes.

Amend Bill, page 4, line 8, by striking out all of said line and inserting:

Section 3. Section 2574(e) of the act, amended June 12, 1968 (P.L.192, No.96), are amended and subsections (b) and (c) are amended by adding clauses to read:

Section 2574. Approved Reimbursable Rental for Leases Hereafter Approved and Approved Reimbursable Sinking Fund Charges on Indebtedness.—\*\*\*

(b) For new school buildings the approved building construction cost shall be the lesser of  
\*\*\*

(3.1) For school buildings for which the general construction contract is awarded subsequent to July 1, 1984, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to July 1, 1984, the product of the rated pupil capacity as determined by the Department of Education at the time the project is approved and (i) three thousand nine hundred dollars (\$3,900) in the case of elementary schools, (ii) five thousand one hundred dollars (\$5,100) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by three thousand nine hundred dollars (\$3,900) and the rated secondary pupil capacity by five thousand one hundred dollars (\$5,100) and dividing the sum by the total rated pupil capacity.

(c) For additions or alterations to existing buildings approved building construction cost shall be the lesser of  
\*\*\*

(3.1) For school buildings for which the general construction contract is awarded subsequent to July 1, 1984, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to July 1, 1984, the difference obtained by subtracting the appraisal value of the existing building from the product of the rated pupil capacity of the altered or expanded building as determined by the Department of Education at the time the project is approved and (i) three thousand nine hundred dollars (\$3,900) in the case of elementary schools, (ii) five thousand one hundred dollars (\$5,100) in the case of secondary schools, (iii) an amount in the case of combined elementary-secondary schools obtained by multiplying the rated elementary pupil capacity by three thousand nine hundred dollars (\$3,900) and the rated secondary pupil capacity by five thousand one hundred dollars (\$5,100) and dividing the sum by the total rated pupil capacity of the altered or expanded building.  
\*\*\*

(e) For area vocational-technical school and technical institute projects leased subsequent to July 1, 1964, by or for lease to a board of school directors authorized to operate such a school, the Department of [Public Instruction] Education shall calculate an approved reimbursable rental charge.

For area vocational-technical school and technical institute projects constructed or purchased subsequent to July 1, 1964, by



a board of school directors authorized to operate such a school, the Department of [Public Instruction] Education may calculate an approved reimbursable sinking fund charge.

Approved reimbursable rental or sinking fund charge shall consist of that part of the annual rental or sinking fund attributable to:

(1) Cost of acquiring land and preparing it for use to the extent that such costs are deemed reasonable by the Department of [Public Instruction] Education and the interest on such cost of acquisition, cost of preparation and the cost of sewage treatment and the interest on such costs.

(2) Machinery, apparatus, furniture and equipment and all other necessary expenses and interest charges, but excluding architects' fees in excess of six percent of the construction cost.

The approved building construction cost and the interest on such construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of [Public Instruction] Education at the time the project is approved and two thousand two hundred dollars (\$2,200).

The provisions of the foregoing paragraph shall apply to all school building projects for which the general construction contract is awarded prior to July 1, 1966, and for approved school building projects for which a lease was approved by the Department of [Public Instruction] Education prior to July 1, 1966. For school buildings for which the general construction contract is awarded subsequent to July 1, 1966, and for approved school building projects for which the general construction contract was awarded but for which a lease was not approved by the Department of [Public Instruction] Education prior to July 1, 1966, the approved building construction cost and the interest on such construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of [Public Instruction] Education at the time the project is approved, and three thousand seven hundred dollars (\$3700).

For school buildings for which the general construction contract is awarded subsequent to July 1, 1984, and for approved school building projects for which the general construction contract was awarded but for which a lease or general obligation bond resolution was not approved by the Department of Education prior to July 1, 1984, the approved building construction cost and the interest on such construction cost shall not exceed the product of the rated full-time pupil capacity, as determined by the Department of Education at the time the project is approved, and six thousand three hundred dollars (\$6,300).

The Department of [Public Instruction] Education shall not approve the expenditure of any funds borrowed or obtained by the sale of bonds by any authority, nonprofit corporation, profit corporation, company or individual for construction of area vocational-technical schools or technical institutes for bleachers, athletic field, lighting equipment or apparatus used to promote and conduct interscholastic athletics.

Section 4. (a) Sections 1 and 2 of this act shall take effect January 1, 1987.

(b) Section 3 shall take effect July 1, 1987.

On the question,

Will the Senate agree to the amendment?

Senator REIBMAN. Mr. President, I believe the amendment is agreed to. In order to save time of the house, I have remarks on behalf of myself and Senator Madigan which I will present to the Clerk.

(The following prepared statement was made a part of the record at the request of the lady from Northampton, Senator REIBMAN and the gentleman from Bradford, Senator MADIGAN:)

This amendment is identical to a provision approved by the House of Representatives yesterday on a vote of 170-19 and similar to a bill which we introduced earlier this Session.

The amendment would provide for the first increase in eighteen years in the amount of help the state gives local school districts for the construction or renovation of school buildings.

Two kinds of school districts will benefit from this amendment. First are districts with stable enrollments and older buildings; the fact of the matter is that fully 65 percent of the state's school buildings are more than twenty-five years old. Many of them need renovations to bring them up to current educational standards. Some need renovations to bring them up to current safety standards.

Second are the small number of districts which are experiencing major increases in student enrollments. These districts need to build new buildings to educate their additional students.

In many cases, school boards have been reluctant to undertake building projects, knowing that the state would not pay its fair share. But our children need schools in which to learn, and they deserve good schools and safe schools. This amendment will encourage school districts that need new buildings or renovations of old ones to do what they need to do, with the state paying a fair share of the costs.

The amendment would increase the construction subsidy for projects begun since the summer of 1984 and would take effect next July 1, so that the initial budgetary impact—estimated at \$5.5 million—would not be felt until 1987-88.

We hope that our Senate colleagues will join us in supporting this long overdue increase in the state's support of school construction and renovation projects.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### GREENLEAF AMENDMENT

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

Amend Title, page 1, line 8, by removing the period after "facilities" and inserting: ; and providing for special aid to school districts suffering loss of tax revenue due to reorganization or bankruptcy of businesses in the district.

Amend Sec. 2, page 3, line 14, by striking out "A SECTION" and inserting: sections

Amend Sec. 2, page 4, by inserting between lines 7 and 8:

Section 2502.16. Special Aid to School Districts Suffering Loss of Tax Revenue Due to Reorganization or Bankruptcy of Businesses in District.—(a) For the school year 1985-1986 and each school year thereafter, a school district experiencing a ten percent (10%) loss in revenue from real estate taxes for the support of the public schools in any one (1) year or reasonably projecting a loss of such percent of revenue following the non-payment of such taxes when due, by reason of the commencement of reorganization or other bankruptcy proceedings by one

or more businesses owning real estate within the boundaries of the public school district, shall qualify for special aid under this section.

(b) Such special aid shall be paid from undistributed basic instruction subsidy funds to the extent that such funds are available from appropriations allotted to the Department of Education for the same or prior fiscal years.

(c) Such special aid shall be payable until such time as the business reorganization or other bankruptcy proceedings are completed: Provided, however, That a school district which qualified for such special aid prior to the effective date of this section shall receive its first payment in the year this section takes effect.

(d) Any subsequent payments made on account of such ceased or suspended real estate taxes by such business or businesses or bankruptcy officials, either during the course of such bankruptcy proceedings or following their completion, shall be reimbursed to the Department of Education by the school district to the extent that such previously unpaid taxes have been supplanted by special aid already provided under this section. Any interest or penalties accompanying such belatedly paid taxes shall be retained by the school district to the extent that the special aid previously paid to the school district did not include such interest and penalties.

(e) The special aid owing hereunder shall be due whenever the real estate taxes of such business or businesses in bankruptcy are unpaid as of their due date and the business or businesses in question will not certify, in writing, that such unpaid taxes will definitely be paid within sixty (60) days after their due date, and there is in fact uncertainty as to the payment of such taxes, whether such uncertainty is due to bankruptcy proceeding restrictions, lack of funds or other reasons.

On the question,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

The PRESIDENT pro tempore. House Bill No. 1937 will go over in its order, as amended.

Senator STAUFFER. Mr. President, can we go over the bill temporarily? I believe the gentleman from Allegheny, Senator Early, is waiting for an amendment.

The PRESIDENT pro tempore. The Chair reverses itself. House Bill No. 1937 will go over temporarily in its order.

#### RECONSIDERATION OF HB 2606

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2606 (Pr. No. 4153)** — Senator KELLEY. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 2606, Printer's No. 4153, just passed finally.

The motion was agreed to.

And the question recurring,  
Shall the bill pass finally?

Senator KELLEY. Mr. President, I would accept the same roll call as previously, except I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. Does anybody else want to change? The Chair sees no further changes.

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—44

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

#### NAYS—3

Kelley	Kratzer	Rhoades
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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.

#### MEETING OF THE COMMITTEE ON MILITARY AND VETERANS AFFAIRS

Senator STAUFFER. Mr. President, at this time I would ask that we announce that Senator Armstrong will hold a brief meeting of the Committee on Military and Veterans Affairs off the floor in the Rules Committee room, and I believe we can continue with consideration of the Second Reading Calendar if none of the Members object.

The PRESIDENT pro tempore. Senator Armstrong has requested that all Members of the Committee on Military and Veterans Affairs report to the Rules Committee room for a very brief meeting of that committee. In the meantime, we will continue with the Second Reading Calendar.

#### CONSIDERATION OF CALENDAR RESUMED

#### SB 2556 CALLED UP

**HB 2556 (Pr. No. 3563)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Third Consideration Calendar, by Senator STAUFFER.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 2556 (Pr. No. 3563)** — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 1, by striking out all of said line and inserting:

Establishing a Rural Economic Development Program for rural Pennsylvania; making appropriations; and making a repeal.

Amend Bill, page 1, lines 4 through 17; page 2, lines 1 through 27, by striking out all of said lines on said pages and inserting:

#### Section 1. Purpose.

The purpose of this act is to establish a comprehensive Rural Economic Development Program for Pennsylvania as defined in this act.

#### Section 2. Education.

(a) Department of Education.—The sum of \$520,000 is hereby appropriated to the Department of Education for distribution as follows:

(1) From this appropriation the Department of Education shall grant the sum of \$100,000 to the University of Pittsburgh, Titusville Campus, for the implementation of the instructional and student development programs established for, but not limited to, rural students coming from educationally disadvantaged backgrounds.

(2) From this appropriation the Department of Education shall grant the sum of \$100,000 to the Warren-Forest Higher Education Council for the establishment of the rural postsecondary services in Warren and Forest Counties.

(3) From this appropriation the Department of Education shall grant the sum of \$40,000 to the University of Pittsburgh, Bradford Campus, to fund the Elk County Higher Education Council.

(4) From this appropriation the Department of Education shall grant the sum of \$15,000 to The Pennsylvania State University Cooperative Extension for expansion of existing rural leadership training programs.

(5) From this appropriation the Department of Education shall grant the sum of \$50,000 to the Center for the Study of Rural Librarianship of the College of Library Science, Clarion University, for the establishment of a Rural Adult Literacy Program.

(6) From this appropriation the Department of Education shall grant the sum of \$215,000 to an appropriate university to establish a regional center for continuing education of health sciences in western Pennsylvania.

(b) State System of Higher Education.—The sum of \$325,000 is hereby appropriated to the State System of Higher Education for use as follows:

(1) From this appropriation the State System of Higher Education shall use the sum of \$225,000 to create rural education partnerships. Each participating member university shall provide outreach and services to rural school districts and other rural groups which will result in the sharing of the resources of the university for the benefit of the rural population. Another purpose is to increase participation in higher education by students from rural areas. The State System of Higher Education shall allocate funds to each participating member university based upon the geographic size and population of its rural serving area. No allocation shall be less than \$10,000.

(2) From this appropriation the State System of Higher Education shall grant the sum of \$100,000 to Mansfield University of the State System of Higher Education for the Mansfield University Rural Services Institute for the development of an education outreach program providing educational tools geared to rural community needs.

#### Section 3. Rural research and product development.

(a) Hardwood utilization.—The sum of \$230,000 is hereby appropriated to the Department of Commerce to be granted to the Northcentral Pennsylvania Regional Planning and Development Commission for utilization by the Allegheny Hardwood Utilization Group for the purpose of achieving the following objectives:

(1) Promoting better efficiency of the existing hardwood industries within this Commonwealth.

(2) Expanding the hardwood industrial base, including the expansion of existing hardwood industries and the recruitment of new hardwood industries.

(3) Expanding the use of hardwood resources, including new product development.

(4) Insuring cooperation and communication between the hardwood industry and the Department of Agriculture, The Pennsylvania State University Cooperative Extension, the Bureau of Forestry in the Department of Environmental Resources, the Department of Commerce and the academic and research community.

(b) Brine research and development.—The sum of \$100,000 is hereby appropriated to the Department of Commerce to provide financial assistance to eligible applicants for qualifying research and development projects to promote the environmentally safe and economically viable management, disposal and reuse of brine and other wastewaters produced in conjunction with oil and gas operations in this Commonwealth. These funds shall be granted to the Advanced Technology Center of Central and Northern Pennsylvania, Inc., to be administered by a project review committee composed of five members, all of whom shall be residents of this Commonwealth. Four members shall be either petroleum engineers, petroleum geologists or experienced drillers' representatives designated by the Pennsylvania Oil and Gas Association and Pennsylvania Natural Gas Associates. One member shall be the Secretary of Environmental Resources or his designated representative. The project review committee shall solicit and review applications for assistance and shall recommend the type and level of funding for qualifying projects to the Board of the Center for Rural Pennsylvania for approval. For purposes of this subsection "research and development project" shall mean an activity entirely or largely conducted in Pennsylvania relating to:

(1) Basic and applied research concerning the management, handling, disposal and reuse of brine and produced wastewaters associated with the production of oil and gas in this Commonwealth.

(2) Demonstration of appropriately scaled, innovative or commercially unproven technology which facilitates the management, handling, disposal and reuse of oil and gas production brines and which is economically viable for the small independent oil and gas producers in this Commonwealth.

(3) Activities which remove obstacles to the management, handling, disposal and reuse of brine and produced wastewaters associated with the production of oil and gas in this Commonwealth.

Nonprofit institutions and organizations and educational institutions shall provide matching funds or support in an amount equal to no less than 15% of the total project cost. Business enterprises and other private persons shall provide matching funds or support in an amount equal to no less than 50% of the total project cost.

#### Section 4. Rural marketing and promotion.

The sum of \$600,000 is hereby appropriated to the Department of Commerce for grants to Appalachian Local Development Districts, not to exceed \$125,000 per district, for the development of a rural marketing plan and promotion of industries, available commercial and industrial sites and products indigenous to the area covered by that district. The marketing plan shall be

developed through cooperative efforts of existing economic development groups within the region served by the local development district and shall include a computerized inventory of available industrial and commercial sites and supporting infrastructure for each site. Decisions concerning the priority of a grant shall first consider those areas with the highest level of unemployment and the extent of rural area served.

#### Section 5. Rural tourism.

The sum of \$200,000 is hereby appropriated to the Department of Commerce for grants to Appalachian Local Development Districts, not to exceed \$35,000 per district, for the development of a regional tourism brochure and map designating the historic sites and tourist attractions within the region served by the district. This information shall be developed through cooperative efforts of existing tourism promotion and development agencies within the area served by the district.

#### Section 6. Rural promotion of State parks.

The sum of \$75,000 is hereby appropriated to the Department of Environmental Resources for use by the Bureau of State Parks for the enhancement of existing State park directional and entrance signing and for additional directional and entrance signing of Pennsylvania State Parks in rural Pennsylvania.

#### Section 7. Center for Rural Pennsylvania.

(a) Establishment.—There is hereby established the Center for Rural Pennsylvania, which shall be an agency of the General Assembly.

(b) Board of directors.—The Center for Rural Pennsylvania shall be governed by a board of directors which shall consist of seven members. The Speaker of the House of Representatives shall appoint one member from the House of Representatives. The President pro tempore of the Senate shall appoint one member from the Senate. Two members shall be representatives of universities in the State System of Higher Education. One member shall be a representative of the current land grant university's agricultural experimental station. One member shall be the director of the Northeast Regional Center for Rural Development. The last member of the board shall be the Director of the Center for Rural Pennsylvania, as established by this act and he or she shall be selected by the other board members. The director of the center shall be an ex officio member and shall have no vote.

(c) Terms.—The term of office of all members of the board shall be two years. Each member shall be eligible to be reappointed to the board.

(d) Meetings; quorum.—The board shall meet at least every six months, or as often as it deems necessary. Four members of the board shall constitute a quorum.

(e) Expenses.—The members of the board, except for the Director of the Center for Rural Pennsylvania, shall serve without salary or compensation, but shall be entitled to such expenses as are reasonable and necessary to the performance of their duties.

(f) Principal duty.—The Center for Rural Pennsylvania shall administer grants to conduct research on matters related to rural problems. The role of the center shall be to facilitate and coordinate basic and applied research and service components for faculty, staff and students of those institutions identified in subsection (h) dealing in issues regarding the welfare of rural Pennsylvania.

(g) Regulations.—The board shall adopt regulations concerning the grant program administered by the Center for Rural Pennsylvania.

(h) Eligibility.—Grants shall be available only to the qualified faculty members of the various university members of the State System of Higher Education and the current land grant university.

(i) Amounts.—No grant shall exceed the sum of \$50,000.

(j) Subjects.—The subject areas of the grant program are as follows:

- (1) Rural people and communities.
- (2) Economic development.
- (3) Local government finance and administration.
- (4) Community services.
- (5) Natural resources and environment.
- (6) Educational outreach.
- (7) Rural values and social change.

(k) Director.—The Center for Rural Pennsylvania shall be operated by a director, who shall be selected by the board.

(l) Duties of director.—The director shall employ such persons as he or she deems appropriate for the administration of the grant programs authorized by this act. The director shall also make such other expenditures as the board deems necessary, providing that not more than 20% of the appropriation in section 9 shall be used for administrative expenses.

#### Section 8. Data base.

(a) Creation.—The Center for Rural Pennsylvania shall develop and maintain an appropriate base of knowledge and information about rural conditions and needs. This shall be accomplished through a data base.

(b) Major areas.—The data base shall include the following major areas of concern:

- (1) Agriculture.
- (2) Economic development indicators.
- (3) Local government capacity and fiscal stress indicators.
- (4) Transportation.
- (5) Sociodemographics.
- (6) Health care and human services.
- (7) Environment and natural resources.
- (8) Education.
- (9) Condition of the extant local infrastructure of Pennsylvania's communities.

(c) Arrangement.—The data will be arranged in such a manner so as to facilitate the monitoring of relationships between and among the various sectors identified for inclusion in the information system.

#### Section 9. Appropriation for Center for Rural Pennsylvania and data base.

The sum of \$700,000 is hereby appropriated to the Center for Rural Pennsylvania to carry out the provisions of sections 7 and 8 of this act. The sum of \$200,000 of the \$700,000 shall be used to create the data base as defined in section 8.

#### Section 10. Non-lapsing.

The appropriations made by this act shall be continuing appropriations and shall not lapse until June 30, 1988.

#### Section 11. Repeal.

The appropriation in the amount of \$2,750,000 to the Department of Commerce for Rural Economic Development in section 208 of the act of July 1, 1986 (P.L. , No.5A), known as the General Appropriation Act of 1986, is repealed.

#### Section 12. 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 PETERSON.

**SECOND CONSIDERATION CALENDAR****PREFERRED APPROPRIATION BILL  
ON SECOND CONSIDERATION**

**HB 2749 (Pr. No. 4147)** — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for a project in Chester County for the fiscal year 1986-1987.

Considered the second time and agreed to,

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

**LEGISLATIVE LEAVE**

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

The PRESIDENT pro tempore. Senator Zempirelli requests Capitol leave for Senator Hankins. The Chair hears no objection. The leave will be granted.

**SECOND CONSIDERATION CALENDAR RESUMED  
BILL ON SECOND CONSIDERATION**

**HB 37 (Pr. No. 41)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for advertisements relating to contracts.

Considered the second time and agreed to,

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

**BILLS ON SECOND CONSIDERATION AMENDED**

**HB 41 (Pr. No. 45)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," authorizing appropriations for neighborhood crime watch programs.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 1202), page 2, line 2, by inserting after "annually": solely at the discretion of the borough officials

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

**HB 42 (Pr. No. 46)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," authorizing appropriations for neighborhood crime watch programs.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 702), page 2, line 4, by inserting after "annually": solely at the discretion of the township supervisors,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

**HB 147 (Pr. No. 161)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," authorizing appropriations for neighborhood crime watch programs.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 1502), page 1, line 17, by inserting after "annually": solely at the discretion of the board,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

**BILLS ON SECOND CONSIDERATION**

**HB 293 (Pr. No. 4172)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for reports of the controller or auditors and for appeals from reports.

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

**HB 294 (Pr. No. 4168)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to the protection of the abused, neglected, exploited or abandoned elderly; establishing a uniform Statewide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of the elderly; providing protective services; providing for funding; making an appropriation; and making repeals.

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

**HB 942 (Pr. No. 2213)** — 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," further providing for the powers and duties of the Department of Community Affairs.

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

**SB 1501 (Pr. No. 2071)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the burden of proof in proceedings before the commission.

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

**SB 1520 (Pr. No. 2539)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the education of exceptional children in approved institutions; and making an appropriation.

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

**HB 1527 (Pr. No. 4173)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the power to make contracts, for regulations concerning contracts and for tax levies.

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

**SB 1548 (Pr. No. 2197)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard

and Recovery Act," extending the definition of "municipality" to include authority.

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

**HB 1642 (Pr. No. 4169)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," further providing for reclamation plans.

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

**HB 2274 (Pr. No. 4099)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," adding definitions; further providing for the definition of "solid waste;" further providing for powers and duties of the department and of the Environmental Quality Board; and providing for certain handling of coal ash.

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

#### BILL OVER IN ORDER

**HB 2697** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

### UNFINISHED BUSINESS REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### MEMBER OF THE STATE ART 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 Elizabeth Bartle, 100 West Moreland Avenue, Philadelphia 19118, Philadelphia County, Second Senatorial District, for appointment as a member of the State Art Commission, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified, vice John Rea, Hollidaysburg, resigned.

DICK THORNBURGH.

MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS

November 7, 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 Lois L. Grass, 2000 Crums Mill Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1989, and until her successor has been appointed and qualified, vice F. Otto Haas, Ph.D., Ambler, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD  
OF EDUCATION

November 7, 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 Sister M. Lawreace Antoun, S.S.J., 2551 West Lake Road, Erie 16505, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 1990, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD  
OF EDUCATION

November 7, 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 Earl Horton, 2 Twig Lane, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 1992, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE ENVIRONMENTAL  
HEARING BOARD

November 7, 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 Donna Memmi Malpezzi, 208 North 25th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve until June 20, 1987, or until her successor shall have been appointed and qualified, vice Edward Gerjuoy, Ph.D., Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

November 7, 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 Dr. Muriel Berman, 2000 Nottingham Road, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1990, vice Dr. Syed R. Ali-Zaidi, Shippenville, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE PLANNING BOARD

November 7, 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 Harriet Levinson, 315 South Murtland Avenue, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice William L. Rafsky, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

November 7, 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 Barbara Hafer, 400 Bayard Street, Elizabeth 15037, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor has been appointed and qualified, but no more than ninety days beyond the expiration of that term, vice Sylvester Outley, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

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 Fay Palen, R. D. 2, Tun-khannock 18657, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified.

DICK THORNBURGH.

DISTRICT JUSTICE

October 29, 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 Allen Perley Page, III, 1209 Walnut Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as District Justice in and for the County of Lycoming, Magisterial District 29-1-02, to serve until the first Monday of January, 1988, vice Joseph F. Orso, Jr., resigned.

DICK THORNBURGH.  
DISTRICT JUSTICE

November 5, 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 Jane E. Houck-Farrell, R. D. 1, Box 184-B, Waymart 18472, Wayne County, Twentieth Senatorial District, for appointment as District Justice in and for the County of Wayne, Magisterial District 22-3-03, to serve until the first Monday of January, 1988, vice Margaret C. Farley, resigned.

DICK THORNBURGH.  
NOMINATIONS LAID ON THE TABLE

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

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

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

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

MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS

November 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 September 19, 1986 for the reappointment of Pamela Z. Bryan, 6530 Beacon Street, Pittsburgh 15237, Allegheny County, Forty-third Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1988, and until her successor has been appointed and qualified.

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

DICK THORNBURGH.  
NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

#### REPORT FROM COMMITTEE

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

**HB 1538 (Pr. No. 1928)**

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife; Rick L. Bailey and Kathy A. Bailey, his wife.

#### 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. Lawrence G. Boyle, Mr. and Mrs. Daniel Cox, Mr. and Mrs. Frank A. Heinauer, Mr. and Mrs. Harry Lee, Sr., Mr. and Mrs. Carl Rakow and to Mr. and Mrs. Frank J. Zvonik by Senator Bodack.

Congratulations of the Senate were extended to Joseph X. Yaffe by Senator Greenleaf.

Congratulations of the Senate were extended to William J. Brannaka and to Christina Hill by Senator Madigan.

Congratulations of the Senate were extended to employees of Pennsylvania's Bureau of State Parks by Senator O'Pake.

Congratulations of the Senate were extended to Joseph F. Holden, John F. Mellon and to Elmer C. Munch by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. William R. Lockhart by Senator Shumaker.

#### BILL ON FIRST CONSIDERATION

Senator TILGHMAN. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

**HB 1538.**

And said bill having been considered for the first time,

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

#### HOUSE MESSAGE

##### HOUSE BILL FOR CONCURRENCE

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

November 20, 1986

**HB 297** — Committee on Banking and Insurance.

### BILL INTRODUCED AND REFERRED

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

November 20, 1986

Senators GREENLEAF, PECORA, LYNCH, HELFRICK and SALVATORE presented to the Chair **SB 1719**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," prohibiting cancellation of household policies in certain cases.

Which was committed to the Committee on BANKING AND INSURANCE, November 20, 1986.

### COMMITTEE OF CONFERENCE APPOINTED ON SB 380

The PRESIDENT pro tempore. The Chair announces the appointment of Senators STAUFFER, TILGHMAN and ZEMPRELLI 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. 380.

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

### ANNOUNCEMENT BY THE CHAIR

The PRESIDENT pro tempore. I might remind the Members that, even though we are moving on with the agenda, there is still business before the Senate requiring the attendance of the Members.

### REPORT FROM COMMITTEE

Senator ARMSTRONG, by unanimous consent, from the Committee on Military and Veterans Affairs, reported the following bill:

**HB 1474 (Pr. No. 4100)**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the payment of gratuities to children of certain veterans; and providing for alternate security for performance of contracts.

### BILL ON FIRST CONSIDERATION

Senator STAUFFER. Mr. President, I move the Senate do now proceed to consideration of the bill just reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

**HB 1474.**

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

### CONSIDERATION OF CALENDAR RESUMED

#### SB 776 CALLED UP

**SB 776 (Pr. No. 1901)** — Without objection, the bill, which previously went over in its order, as amended, was called up, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER.

#### SENATE AMENDS HOUSE AMENDMENTS

**SB 776 (Pr. No. 1901)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," restricting the operations of certain units at various State Hospitals.

And the question recurring,

Will the Senate concur in House amendments as amended by the Senate?

#### RECONSIDERATION OF SALVATORE AMENDMENT TO HOUSE AMENDMENTS

Senator STAUFFER. Mr. President, I move to reconsider the amendment which was placed in Senate Bill No. 776.

The PRESIDENT pro tempore. Senator, there were two amendments. Would you identify which one?

Senator STAUFFER. Yes, Mr. President. The amendment offered by the gentleman from Philadelphia, Senator Salvatore, which was placed in Senate Bill No. 776.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

And the question recurring,

Will the Senate concur in House amendments as amended by the Senate?

#### SALVATORE AMENDMENT TO HOUSE AMENDMENTS WITHDRAWN

Senator STAUFFER. Mr. President, I request permission to withdraw the amendment that had been offered by the gentleman from Philadelphia, Senator Salvatore, and I offer a substitute amendment in its place.

The PRESIDENT pro tempore. Senator Stauffer withdraws the amendment referred to as the Salvatore amendment and offers a substitute amendment in House amendments to Senate Bill No. 1776.

SALVATORE AMENDMENT TO  
HOUSE AMENDMENTS

Senator STAUFFER, on behalf of Senator SALVATORE, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 23, by inserting after "EXAMINATIONS": further providing for the powers and duties of the Department of Public Welfare; providing for the transfer of control of the Eastern Pennsylvania Psychiatric Institute to The Medical College of Pennsylvania; and

Amend Bill, page 3, by inserting between lines 18 and 19:

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

Section 2313.4. The Department of Public Welfare is hereby authorized to relinquish the entire government, management, operation and control of the Eastern Pennsylvania Psychiatric Institute to The Medical College of Pennsylvania upon the effective date of a lease entered pursuant to section 2418.

(1) Upon the execution of the lease permitted pursuant to section 2418, the Eastern Pennsylvania Psychiatric Institute shall be operated under the management of the Board of Corporators of The Medical College of Pennsylvania, which shall be responsible for the management and operation of the institute.

(2) The Medical College of Pennsylvania shall conduct research into the causes, prevention, treatment and cure of mental, neurological and related disorders and shall provide consultation, education, training and treatment at the Eastern Pennsylvania Psychiatric Institute responsive to the mental health needs of the public. Provision of these services and the conduct of research shall be limited only by funds available for these purposes. In addition to requesting appropriations from the General Assembly to fund these functions, the Board of Corporators of The Medical College of Pennsylvania shall make good faith efforts to obtain funding from third party sources.

(3) The Medical College of Pennsylvania shall utilize all space in the buildings known as the Eastern Pennsylvania Psychiatric Institute consistent with the functions described in this section. If The Medical College of Pennsylvania uses space in the Eastern Pennsylvania Psychiatric Institute for functions other than those described, it shall provide the Department of Public Welfare with written documentation that an equivalent amount of space is used in other facilities of The Medical College of Pennsylvania for those functions.

(4) The Medical College of Pennsylvania may construct buildings on vacant land of the leased premises if the buildings are consistent with the academic health mission of the Medical College of Pennsylvania.

Section 2418. The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is authorized to lease or sublease, for the rental of one dollar (\$1) per annum, all of the land and buildings in the city and county of Philadelphia known as the Eastern Pennsylvania Psychiatric Institute, and all improvements, fixtures, equipment and furnishings located there, to The Medical College of Pennsylvania upon such terms and conditions as The Medical College of Pennsylvania and the Department of Public Welfare shall agree. The provisions of section 2402(i) shall not apply to a lease entered into pursuant to this section.

Amend Sec. 2, page 3, line 19, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the Senate amendment to House amendments?

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 776 will go over, as amended.

**The PRESIDING OFFICER (Edwin G. Holl) in the Chair.**

**HB 1937 CALLED UP**

**HB 1937 (Pr. No. 4141)** — Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 9 of the Third Consideration Calendar, by Senator STAUFFER.

**BILL ON THIRD CONSIDERATION AMENDED**

**HB 1937 (Pr. No. 4141)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing the State System of Higher Education to enter into contracts for maintenance projects to repair buildings and other facilities.

Considered the third time,

And the question recurring,

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

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

Amend Title, page 1, line 5, by inserting after "thereto,"": providing for the imposition of taxes on earned income by school districts which eliminate real property taxes; and

Amend Bill, page 2, by inserting between lines 19 and 20:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 680.1. School District Option.—(a) Any school district subject to the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," which has levied any real property tax under this act during the 1986-1987 fiscal year, after the will of the electors of the school district is determined in the affirmative by referendum, shall repeal any such real property tax and may in lieu thereof levy, assess and collect an additional tax on wages, salaries, commissions and other earned income of individuals. Such tax on earned income shall be in addition to any other tax on earned income authorized by any other act. The levy, assessment and collection of such additional tax on earned income shall be done in accordance with the provisions of "The Local Tax Enabling Act" which are incorporated herein by reference. Revenues derived from the tax authorized by this section shall be for the sole use of the school district.

(b) Whenever electors equal to at least five per centum of the highest vote cast for any school director at the last preceding municipal election in any school district described in subsection (a), or the school board of any such district, files a petition with the county board of elections of the county for a referendum on the question of the will of the electors with respect to the levy, assessment and collection for the sole use of the school district, of an additional tax upon earned income in lieu of a real property tax, but not oftener than once every five years, the county board of elections shall cause the question to be placed on the ballot and submitted at the next municipal primary election more than sixty (60) days after the petition is filed. These proceedings shall be in the same manner and subject to the provisions of the election laws insofar as such provisions are applicable.

(c) The question shall be in the following form:

Do you favor the imposition of an additional school tax upon earned income, in lieu of a real property tax?

(d) If a majority of the voting electors vote "Yes," then the school district may levy the tax authorized by subsection (a).

Amend Sec. 1, page 2, line 20, by striking out "1" and inserting: 2

Amend Sec. 1, page 2, lines 20 and 21, by striking out "OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,"

Amend Sec. 2, page 3, line 14, by striking out "2" and inserting: 3

Amend Sec. 3, page 4, line 8, by striking out "3" and inserting: 4

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 EARLY.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

MONDAY, NOVEMBER 24, 1986

12:00 Noon	Conference Committee on Senate Bill No. 483	Room 461, 4th Floor Conference Rm., North Wing
12:45 P.M.	APPROPRIATIONS (to consider House Bill No. 2105)	Room 461, 4th Floor Conference Rm., North Wing
1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider authorization to hold a hearing on Bell Telephone/De-Regulation; PUC Regulation M-840403; PUC Regulation L-860020; State Bd. of Medicine and State Bd. of Osteopathic Medicine Reg. 16A-157)	Room 461, 4th Floor Conference Rm., North Wing

### ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Monday, November 24, 1986, at 1:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 7:00 p.m., Eastern Standard Time.