

LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 24, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 63

SENATE

MONDAY, November 24, 1986.

The Senate met at 1:00 p.m., Eastern Standard Time.

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

PRAYER

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

Eternal God, help us to be kindly toward others, to respect other peoples' points of view, to put away envious thoughts and hasty judgments, to forgive as we hope to be forgiven, and to season our attitudes with charity. These things we ask by Thy grace and mercy. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 20, 1986.

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 628 and 1182, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE 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 823 — Committee on Education.

BILLS INTRODUCED AND REFERRED

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

November 20, 1986

Senators SALVATORE, HELFRICK and PECORA presented to the Chair SB 1720, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," further providing for subsidy payments during work stoppage.

Which was committed to the Committee on TRANSPORTATION, November 20, 1986.

Senators GREENLEAF, PECORA, SHUMAKER, HELFRICK, O'PAKE, SALVATORE, RHOADES and STAPLETON presented to the Chair SB 1721, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for programs by the Department of Health for persons suffering from Alzheimer's disease.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 20, 1986.

BILL SIGNED

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

SB 259.

REPORT FROM COMMITTEE

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

HB 146 (Pr. No. 4197) (Amended) (Rereported)

An Act amending the act of July 2, 1986 (P. L. 318, No. 77), entitled "An act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled 'Tax Reform Code of 1971,' further providing for the sales tax, the personal income tax, the corporate net income tax, the capital stock tax and the realty transfer tax;....," further providing for the Local Realty Transfer Tax.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator RHOADES submitted the Report of Committee of Conference on **HB 1362**, which was laid on the table.

DISCHARGE PETITION

The PRESIDENT laid before the Senate the following communication, which was read and laid on the table:

In the Senate, November 24, 1986.

A PETITION

To place before the Senate the nomination of Carol Knisely as a member of the State Board of Examiners of Nursing Home Administrators.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Carol Knisely, Gettysburg, Pennsylvania, as a member of the State Board of Examiners of Nursing Home Administrators, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a temporary Capitol leave on behalf of Senator Shumaker who is attending a meeting in the Attorney General's Office.

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

Senator LOEPER. Mr. President, before we deal with today's Calendar, I would request temporary Capitol leaves of absence on behalf of Senator Stauffer and Senator Jubelirer.

The PRESIDENT. Are there objections to temporary Capitol leaves for Senator Stauffer and Senator Jubelirer? The Chair hears none. Those leaves are granted.

CALENDAR

HB 2199 CALLED UP OUT OF ORDER

HB 2199 (Pr. No. 4189) — Without objection, the bill was called up out of order, from page 10 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2199 (Pr. No. 4189) — 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; 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; 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; 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; 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.

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would like to request a temporary Capitol leave for Senator Hopper who has been called to his office.

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

RECESS

Senator LOEPER. Mr. President, at this time I would request a recess of the Senate for the purpose of a Republican caucus to begin immediately upon the recess in the Majority caucus room, with the hope that we can return to the floor somewhere in the neighborhood of 3:00 p.m.

Senator ZEMPRELLI. Mr. President, do I understand we are now determining caucus time?

The PRESIDENT. That is correct, Senator.

Senator ZEMPRELLI. Mr. President, I would ask that the Members of the Democratic caucus convene immediately. I would impress upon the Members their attendance is absolutely required and that the meat end of our business will be conducted at the outset of the meeting. I would ask again that all Members of the Democratic caucus attend forthwith, and we will get into the affairs of what we are all about and be prepared to come on the floor at the time the Majority returns.

The PRESIDENT. For the purpose of Republican and Democratic caucuses, the Chair declares the Senate in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator Shumaker, Senator Stauffer and himself. Their leaves are cancelled.

LEGISLATIVE LEAVE

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 144 CALLED UP OUT OF ORDER

HB 144 (Pr. No. 4181) — 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,
DEFEATED ON FINAL PASSAGE**

HB 144 (Pr. No. 4181) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the transfer of Philipsburg State General Hospital; requiring the

filing of additional materials on contracts with corporations; providing for reporting in conformity with generally accepted accounting principles; further providing for the payment of gratuities to children of certain veterans; further providing for the sale of certain unimproved land by the Department of Transportation; converting State heating systems to the use of coal which has been produced in Pennsylvania; and authorizing conveyance of State-owned land.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Senator KELLEY. Mr. President, I move that House Bill No. 144 revert to the form it was in under Printer's No. 4166.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I would ask for a "no" vote on the motion to revert.

PARLIAMENTARY INQUIRY

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

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

Senator STAUFFER. Mr. President, under the Senate Rules, I recognize that you cannot debate the merits of the bill. Is it permissible to debate the merits of a reversion?

The PRESIDENT pro tempore. I would think so, Senator.

Senator STAUFFER. Mr. President, again I would ask for a negative vote on the motion to revert. I would point out if the reversion were successful, the Philipsburg State General Hospital project which was amended into that bill by the gentleman from Centre, Senator Corman, last week, would be stripped entirely from the bill before us and would change the purpose of the legislation as we have it before us on today's Calendar. In order to preserve the opportunity to make the decision on that project, I would ask that we maintain the Printer's No. 4181.

And the question recurring,

Will the Senate agree to the motion?

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

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

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

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

YEAS—24

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

NAYS—26

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

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?

PARLIAMENTARY INQUIRY

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

The PRESIDENT pro tempore. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, the bill was amended one day last week. If a motion were made to reconsider the vote by which that amendment passed, and that motion were approved, in what position would we be at that point in time? Would the vote then be on the amendment again?

The PRESIDENT pro tempore. Then it would be on the merits of the amendment again. That is correct.

Senator LINCOLN. Mr. President, even though the amendment has already passed and has been incorporated in a new printer's number?

The PRESIDENT pro tempore. In a parliamentary sense, Senator, you are basically asking the same thing which Senator Kelley asked, and that would be to revert to the prior printer's number to take out that amendment and, in effect, revert to the prior printer's number. That is my understanding of it.

Senator LINCOLN. Mr. President, I would disagree with that. I think reconsidering the amendment and then if the amendment failed would be like the amendment never existed.

The PRESIDENT pro tempore. I am advised by the Parliamentarian that under our Rules on a reconsideration the amendment would recur immediately.

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.)

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 ZEMPRELLI. Mr. President, I would remind the Members of our caucus that we had discussed House Bill No. 144. I would ask for a negative vote on its final passage.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

Senator CORMAN. Mr. President, the main issue of this legislation is not brick and mortar as it would appear in the body of the proposed legislation. It is really the heartbeat of a community.

The Philipsburg State General Hospital is a major employer in this particular community and it is the center for health care in the Moshannon Valley. The question we are going to vote on today is, will the state continue to control the destiny of this community with their health care and will the people be able to direct that destiny themselves? Let me say to you, Mr. President, as the state has been in control of that destiny for quite a few generations, they have done a miserable job. We have planned many times all kinds of capital improvements which do not just come about.

We have in the Philipsburg area and the Moshannon Valley a very proud community which is working very hard to overcome many of the obstacles economically that have been thrown in front of them, and they are working hard to pull themselves up by their bootstraps. Two of the major things they are hoping to accomplish is, one, establish a Moshannon airport, an issue we dealt with earlier today, and the second issue is the state hospital.

As I said last week, they are working very hard. They had a fund drive I quoted as raising \$100,000. I was in error, Mr. President. This community has worked so hard for these kinds of issues that they have raised \$165,000 to hire an industrial recruiter who will try to recruit jobs for their particular community. In one radiothon they raised \$2,700, and the largest contribution was \$4.00.

Here with me today are people from Philipsburg who have an interest in this community. Mr. President, I am not asking you to acknowledge their presence at this time, because this is not when we have introductions, but I would like to indicate they are here and who they represent so my colleagues realize that this is a broad-based issue in this community. It is not a single issue.

We have Mr. Lee Myers here from the Moshannon Valley Medical Group of the Geisinger Clinic. We have Mr. Paul Springer from the Moshannon Valley Chamber of Commerce; Mr. Joe Miller from the Moshannon Valley Chamber of Commerce; Father Joseph Orr, President of the Philipsburg Ministerium; Pastor Jay Dirk of the Philipsburg Ministerium; Dale Shaner of the Kiwanis Club of Philipsburg; George Test of the Kiwanis Club of Philipsburg; Fred Lucas of the Kiwanis Club of Philipsburg. The Kiwanis Club and the Rotary Club passed unanimously resolutions supporting divestiture of the State General Hospital.

We also have Mr. Raymond O'Brien of the Rotary Club of Philipsburg; Dr. Brenda Baumann, Philipsburg State General

Hospital Medical Staff; Donna Whitman of the Philipsburg State General Hospital Board of Trustees; Jean Fooks, Philipsburg State General Hospital Auxiliary; Deborah Barfoot, Presbyterian Home of Moshannon Valley; Mary Jane Stevens—and listen to this one, Mr. President—is a Philipsburg State General Hospital employee and a member of AFSCME, and she is here in support of a divestiture; Mr. Robert Mitchell, Moshannon Valley Industrial Development Association; and Lorraine Fenton of the Pennsylvania Nurses Association Local 147 of Philipsburg. Other organizations that have been in support of it are the Central Pennsylvania School of Nursing, located in the hospital; the West Branch Teachers' Association, in the name of Bill Gable; and the Moshannon Valley Council of Governments.

Mr. President, these people are here to let us know—and they visited many of your offices—that this community really wants a stable health care provider in their community for all of their citizens. Almost all of the community organizations have passed resolutions in favor of this divestiture. This process of investigation has been going on for two years. Some of my colleagues on the other side of the aisle have said to me, "Why now, Doyle? Why at the very last second? Why are you throwing this at us?"

Let me tell you, Mr. President, this is not the very last second. They have been going through an investigative process that has been ongoing for two years. It has not been an easy process. There have been public meetings and they have been hotly debated public meetings on the issue. But the community decided two years ago that they have had their ups and downs with the Philipsburg State General Hospital long enough, and it is time that they make a decision. Are they, the community, going to get behind divestiture or are they going to insist that we keep it in the state system?

Mr. President, that was a hard issue for this community to wrestle with. They did and I applaud them for it, and they stand for divestiture. They started working with the Geisinger Medical Group for a period of time, and it was sure Geisinger would be interested. Geisinger later changed their mind and said they were not interested in owning additional hospitals. So they went out on the market, they looked and they found there was the Forbes Healthmark and the Lee Hospital people who would be interested. They visited both and discussed with both and negotiated with both. Both of these fine organizations put in a bid to be considered for the hospital to receive the Philipsburg State General Hospital. Forbes was selected as the person to best meet those needs by the Department of Public Welfare and the local board of trustees in Philipsburg. If this divestiture goes through, Mr. President, it is a win-win situation. The Commonwealth will no longer be responsible for this particular hospital and that is a win. The residents will get a stable and improved quality of health care and that is a win for them.

Actually, we have had a public referendum on this issue in that particular area. The House of Representatives Member who represents the Moshannon Valley is Lynn Herman. Recently in his reelection efforts, divestiture was an issue. Mr.

Herman stood for divestiture and his opponent was opposed to it. Lynn Herman received 66 percent of the vote in the Moshannon Valley in those precincts involved in it, so we have actually had a public referendum on this issue.

Mr. President, the hospital is not a building. A hospital is doctors. A hospital is doctors who are excellent doctors who make an excellent name for hospitals. At the Philipsburg Hospital we have already lost several physicians who were unhappy with the unstable condition there and there are, supposedly, I am told, seven others who are on the hospital board waiting for our decision today.

If we do not allow this community to settle its health care troubled waters now, I submit to you, Mr. President, I think we are probably condemning this hospital to a certain death. The doctors want to work and grow in a stable environment. They will not find a stable health care environment if we refuse this offer by Forbes. No doctors will want to come here if it is, again, another iffy thing with the state controlling their destiny. Maybe we will improve their intensive care unit and maybe we will not. Without good doctors, this hospital will certainly die. They will close the doors. No one will be admitted, and they will board it up as we have other old state facilities.

Mr. President, I am begging you—no, the people here from Philipsburg are begging you—please let this hospital go. Please join me in divesting this hospital so the community of Philipsburg can establish some sensible, firm, stable health care facility there.

Senator LINCOLN. Mr. President, there are times in this business that we call "politics," in the legislative Body that we serve in, that we have to do things that we are not always in conformance with. There is no one on this floor who realizes more the importance of what the gentleman from Centre, Senator Corman, just related to us concerning the people of the Philipsburg area.

I went through the first thirteen years of my career in the House and the Senate dealing with the divestiture of the Connellsville State General Hospital. Finally, last year when we accomplished that, in September of 1985 when the hospital was finally turned over to the Forbes Health Care System, I felt like my wife had been pregnant for thirteen years and had finally delivered a healthy baby. Yet, I stand here this evening and I have to ask my colleagues to not vote for this divestiture this evening. I do that because my experience in dealing with what we went through in Connellsville is such that I know if there are any negative aspects of this divestiture, it will not work. If everybody is not pulling the same sled it is doomed and in this case there are going to be a lot of "no" votes, especially in the Democratic caucus here in the Senate, that are "no" votes because we have been asked to by other members of our party who do not happen to serve here in the Senate. We have also been asked by labor, who played an integral part in the Connellsville divestiture, to not vote to do this at this time, that there are things that have not been worked out and that they would feel more comfortable sometime early next year in getting back into this issue. I have seen the positive

benefits of divestiture at the Connellsville State Hospital which is now Highlands Hospital. The respect in the community has grown. People have forgotten that it was a state hospital. The occupancy rate has just gone out of sight, and they have hired people since they took over. I say to you, the people of Philipsburg, do not be dismayed if this does not come about. I think the bill is going to pass here in spite of the fact there will be Democrats voting against it, but I have a feeling that your success here will not be repeated in the next twenty-four hours in the House, and that is all we have because our information is that the House is going to adjourn for this Session tomorrow.

I commit to you and I commit to a good friend of mine, the gentleman from Centre, Senator Corman, that I will do everything in my power to help you get this done as early as I can in the next Session. I can tell you without faltering right now that the next time this bill is run in the next Session I will not only be speaking for it, but I will support it. I will not vote "no" on this issue again. I would like to hope that I can be part of bringing you into the twentieth century with your health care services. Do not dismay and do not give up, but, for the moment, because of the circumstances surrounding the opposition of this bill, I would ask for a negative vote.

Senator ANDREZESKI. Mr. President, I would just like to point out that at one point I thought our bills are supposed to all reflect a similarity of content. We start with divestiture, we go to accounting systems, we go to the Administrative Code on contracts in this bill, we then go to children of veterans between sixteen and twenty-three who will get \$500 per term semester per child scholarship if they are in college, we deal with the Administrative Code to allow land which has been undeveloped to be given back and, at the end, I take special note that the bill adds a new provision to require any heating unit installed in a facility owned by the state or state university be fueled by coal or coal derived synthetic produced from mines in Pennsylvania. I would just like to put on the record that I would wish that the natural gas producers, especially in western Pennsylvania, were as well organized as the coal industry to get this type of legislation introduced to have state buildings be fueled with Pennsylvania natural gas which sits capped all across western Pennsylvania.

And the question recurring,
Shall the bill pass finally?

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

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

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

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

YEAS—25

Armstrong	Hess	Kratzer	Shaffer
Brightbill	Holl	Lemmond	Shumaker
Corman	Hopper	Loeper	Stauffer
Early	Howard	Madigan	Tilghman
Fisher	Jubelirer	Moore	Wenger
Greenleaf	Kelley	Peterson	Wilt

Helfrick

NAYS—24

Andrezeski	Lincoln	Reibman	Scanlon
Bell	Lynch	Rhoades	Singel
Bodack	Mellow	Rocks	Stapleton
Hankins	Musto	Romanelli	Stout
Jones	O'Pake	Ross	Williams
Lewis	Pecora	Salvatore	Zemprelli

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

HB 942 CALLED UP OUT OF ORDER

HB 942 (Pr. No. 2213) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

RHOADES AMENDMENT

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

Amend Title, page 1, line 20, by inserting after "determined,"": providing for medical assistance payments; and

Amend Bill, page 1, by inserting between lines 23 and 24:

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 2333. Medical Assistance Payments.—(a) The Department of Public Welfare shall provide, on behalf of persons eligible, medical assistance payments for the cost of care in a non-hospital alcohol detoxification facility, non-hospital drug detoxification facility, non-hospital alcohol and drug detoxification facility, or non-hospital treatment facility. Minimum levels of coverage shall in no case be less than required of insurers by Article VI-A of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921." The department may not reduce medical assistance payments to persons requiring hospital detoxification, rehabilitation and outpatient services from the levels of medical assistance payments provided as of January 1, 1986.

(b) For a person to be eligible for the payments, the care shall have been prescribed by a physician and the facility shall be licensed by the Office of Drug and Alcohol Programs of the Department of Health and shall have entered into a written agreement with that department regarding matters designated by the Secretary of Health as necessary for efficient administration, including, but not limited to, facility utilization, maintenance of proper cost accounting records and access to patient records.

Amend Sec. 1, page 1, line 24, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, lines 24 and 25, by striking out "of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929,"

Amend Sec. 2, page 2, line 22, by striking out all of said line and inserting:

Section 3. (a) Section 1 (section 2333) shall take effect July 1, 1987.

(b) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, the Rhoades amendment is agreed to.

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?

PETERSON AMENDMENT

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

Amend Title, page 1, line 21, by removing the period after "Affairs" and inserting: ; providing for grants and loans to certain municipalities; and making an appropriation.

Amend Bill, page 2, by inserting between lines 21 and 22:

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

ARTICLE XXVIII-D

REPAIRS TO PUBLIC FACILITIES IN SMALL COMMUNITIES DAMAGED BY FLOODING

Section 2801-D. Creation of Program.—The Pennsylvania Emergency Management Agency is hereby authorized to provide grants and no-interest loans to small municipalities to pay for up to fifty per centum (50%) of the costs of repairs and replacements to public facilities damaged by flooding in July 1986, where private losses were not sufficient for a formal declaration of disaster by the Governor or the President, and where funding or reimbursement for such repairs and replacements cannot be obtained under other State or Federal programs.

Section 2802-D. Requests for Assistance.—The Pennsylvania Emergency Management Agency shall accept requests for funding assistance until March 1, 1987, from municipalities which have a population of less than four thousand (4,000) persons documenting the estimated costs of repairs and replacements to public facilities in those municipalities, including roads, bridges, and water and sewer facilities which were damaged by floods meeting the criteria of section 2801-D. The Pennsylvania Emergency Management Agency shall verify the damage assessments submitted by municipalities requesting assistance and verify that funds are not available through other State or Federal programs, in consultation with other Commonwealth agencies.

Section 2803-D. Awards of Funds.—No later than May 1, 1987, the Pennsylvania Emergency Management Agency shall award the funds appropriated under this article to those municipalities determined to have experienced eligible losses, with the amount of the award computed by multiplying the eligible losses for each municipality by the ratio of total funds available under this program to the total eligible losses of all municipalities applying for assistance: Provided, however, That no municipality shall receive funding for more than fifty per centum (50%) of its verified losses. Only municipalities which are designated as distressed under the act of July 2, 1984 (P.L.520, No.105), known as the "Business Infrastructure Development Act," shall be eligible for assistance in the form of grants; other municipalities shall receive assistance in the form of no-interest loans, including provisions for deferrals of repayments, with a maximum term of ten (10) years. In addition, in its sole discretion, the Pennsylvania Emergency Management Agency may award such no-interest loans in place of grants to those economically distressed municipalities which have eligible damages which are less than one hundred per centum (100%) of the amount allocated for highway improvements in their 1986 budget. All repayments of loans under this program shall be returned to the General Fund.

Section 3. The sum of \$1,500,000 is hereby appropriated to the Pennsylvania Emergency Management Agency for fiscal year July 1, 1986, to June 30, 1987, for the purposes of this act.

Amend Sec. 2, page 2, line 22, by striking out "2" and inserting: 4

On the question,

Will the Senate agree to the amendment?

Senator PETERSON. Mr. President, this amendment deals with floods that were a problem in Pennsylvania in the month of July. We periodically have had major floods in the Commonwealth to rural parts of Pennsylvania that do not have large communities involved where we do not get large significant private damage to get a federal disaster declared. This bill would appropriate \$1.5 million and deal with floods that happened in the month of July for communities that had awesome losses to water, sewer, roads and bridges. This program would be limited to 50 percent of their loss. It would be run by PEMA through a grant application process.

I would like to give you examples of several townships that were affected in some of the July floods: Freehold Township in Warren County has an annual road budget of \$60,000 and had damages estimated by the Department of Transportation district engineers of \$812,000, many, many times their annual budget. Another comparison was Sugargrove Township, with an annual budget of \$158,000, which had losses of four bridges and roadways estimated by the district office at \$1,271,000. This program would not make them whole, but would assist them in rebuilding these bridges and roads. It is for communities under 4,000 and it would be run by PEMA.

Senator MELLOW. Mr. President, I have to very reluctantly rise to speak against the amendment offered by the gentleman from Forest, Senator Peterson. I do so, Mr. President, saying I must do it reluctantly because, philosophically, I believe what the gentleman is trying to do is an appropriate way of aiding Pennsylvanians in a time of need. I can only reflect upon what happened in Pennsylvania in 1985, when in the fall of 1985 and then again in the late fall of 1985—both early and late fall of 1985—we were hit with devastating

rainstorms that in at least fifteen counties in both the north-eastern and in the southwestern part of Pennsylvania there was a federal declaration of emergency to hopefully provide for some federal relief funds that, in fact, have been grossly inadequate and in many cases have never taken place.

Mr. President, with the inadequacy of the federal dollars or the federal declaration of emergency, many of us, under the sponsorship of the gentleman from Washington, Senator Stout, asked for a \$15 million appropriation from the Administration to take care of those counties that were declared a federal disaster area in 1985. Mr. President, the Administration did not see fit to give those counties the \$15 million and, in fact, through the Budget Secretary, cut that amount of money from \$15 million down to \$7 million and, in actuality, Mr. President, that \$7 million, in fact, has not been delivered because the regulations that have been drafted through the various departments have been of such that this money has not, in fact, been delivered to the people where the money should have been delivered. I would, during the next Administration, join with the gentleman who has offered this amendment to take care of the problems he has in his district, to address the problems we have in the areas of both northeastern Pennsylvania and southwestern Pennsylvania in the counties of Westmoreland, Greene, Fayette, Allegheny and Washington, and in the northeastern part of the state, Mr. President, the counties of Lackawanna, Luzerne, Pike, Wayne, Susquehanna, Monroe and Sullivan, so that we can come up with a meaningful type of legislation that will meet the needs that our people have because of the absolute devastation of the flood. But for us to go ahead, Mr. President, today, and appoint \$1.5 million to an area that has not been declared a federal disaster area, knowing full well that the track record of the front office for those communities that have been declared federal disaster areas has not been a good one, would not speak well for our areas, Mr. President. I would request a negative vote.

Senator STOUT. Mr. President, likewise, I have to rise to oppose this amendment. Not that I am against providing \$1.5 million for flood relief under this amendment, but a little over a year ago, after the election day flood of 1985 and clear up through before we broke last year for the Christmas recess, we tried to get adequate state flood relief for the hundreds of thousands of people throughout western Pennsylvania who were affected by that flood and for those people affected by the tornado and by the flood of Hurricane Gloria in Lackawanna and Luzerne and by the people affected in Bedford County and Somerset County from the previous year. As the Senator from Lackawanna stated, this Administration reduced that money from \$15 million to \$7.1 million. Then along came the May flood earlier this year in Allegheny County. Then we passed what became Act 88. The Department of Welfare, through the Secretary, and I have worked repeatedly through the entire summer and up through the fall trying to clear up this problem. Their interpretation is that a loan is a grant. Therefore, they have turned down, using the federal guidelines, thousands of people. There are cases

pending for reappeal. I do not think this amendment is justified, because this Administration has stymied the flood relief program and, hopefully, the new Administration will straighten that out because that is a number one priority. I do not feel, since this program has been mismanaged to date, that it is necessary to add an additional \$1.5 million as called for by this amendment because the money was there and this Administration has totally vetoed it. As of September, out of the \$15 million, Mr. President, this Administration only put \$2 million out of \$15 million available into the hands of flood relief victims of this Commonwealth.

Senator PETERSON. Mr. President, just a quick response, I think the major thing that state government should try to do in these kinds of problems such as floods, tornadoes, and so forth, that we have been experiencing in the Commonwealth, is to make sure our communities are whole, that our water and sewer systems are in place, and our bridges and roads are repaired and made adequate to serve those communities.

This amendment I have today only deals with the community infrastructure. The thing I think that has been the problem in most floods is good documentation on the losses by communities and by individuals. We are not dealing with business losses, we are not dealing with individual losses, we are only dealing with losses of water, sewer, highways and bridges.

I did something the day after this storm that I think should be done by some agency in the Commonwealth in the future. I asked the district office of PennDOT to send out a bridge engineer and a highway construction engineer qualified to estimate the damage to the bridges and roads in all the townships that were damaged in this flood. We have that kind of documentation in evidence today of what the Department of Transportation would estimate it would cost to rebuild these roads and bridges, and those are the figures we have to work with and the department would have to work with. We have losses that are not set by the township or borough themselves or the communities, but are set by a state agency that knows how to estimate these costs. I think we should have in place in the future in this bill—if you take time to read it—what could be a model. It could be improved upon, I am sure, but it could be a model to work from where the state only gets involved when the problems are greater than the local community can handle. But we need some process to determine in a fair way what the losses actually are. I tried to accomplish that. That is all a part of the record for any department that administers this bill.

When you have a community with a \$60,000 highway budget, a small township, and they have an \$812,000 loss of bridges and highways, somebody needs to help them. There is no federal program that would ever help that community. That is a massive loss for a little community with a \$60,000 budget. I, today, am asking the Senate of Pennsylvania to take a step forward in handling these kinds of losses in a responsible way where the losses have been proven, where the estimates have been worked out by competent highway engineers in the Department of Transportation, and this informa-

tion and documentation is available to back up these claims. These communities would have to apply to PEMA for their grants to help replace these bridges and roads. I think it is a good model to start on, and if we can get it working, maybe in the future we can avert the kinds of problems that were mentioned earlier. I ask for your support.

Senator STOUT. Mr. President, I find no fault with what the previous speaker wants to accomplish, but for this one community. I still have dozens of communities that have that same problem thirteen months after the flood of the fall of 1985. For the information of the Senator, in Act 88 any monies not put out for the individual family grant program is used for municipal purposes. As I stated to you previously, out of the \$15 million, through the tenth of September, only \$2 million has been spent, so right now—and it may have gone up another few hundred thousand—there is probably \$10 million or \$12 million available for the municipal services, the municipal replacement cost that you refer to in your amendment.

Senator MELLOW. Mr. President, I have followed with interest the remarks just said on the record by the gentleman from Forest, Senator Peterson, and I compliment him on having the Department of Transportation in his area do the type of job of surveying to come up with the proper cost analysis for damage. I would only like to share with him that I am sure—and I know I can speak for both myself and the gentleman from Luzerne, Senator Musto, in northeastern Pennsylvania—that we did exactly the same thing, Senator, that you have stated you have done. The one difference is that we have not been able to get the cooperation out of the front office. Unfortunately, it may have taken a flood in your area to come up with the type of bipartisanship that is needed so that we can all get the proper type of resolution to our problem. But each and every one of us has the exact same type of documentation the gentleman from Forest, Senator Peterson, is referring to. We would be only too happy to share it with him or to share it with the appropriate officials who will, in fact, be able to work with the Administration and make sure this money and the delivery of services, not necessarily for people, because we had tremendous losses by people, but so we can redevelop and we can repair the loss of the infrastructure by our municipalities and by our county government. That is what we are looking for and I support you in that, but we cannot go ahead and make it fish for one and fowl for the other, Mr. President. We have to deal with everyone on an equal basis. It is for that reason, and that reason alone, that I oppose this amendment today.

Senator ANDREZESKI. Mr. President, I would like to concur with the gentleman from Lackawanna, Senator Mellow, and the gentleman from Washington, Senator Stout, and add to the fact that in Erie County we still have people with applications. We have some municipal applications still waiting for some direction on some action on the part of this Administration. We also have extended and rewritten, at least on one occasion, the guidelines for programs and still have not been able to inform all of the people of the new guidelines

and what they could or could not apply for. I think at this time, without even fully implementing the programs that we have already established, in effect stonewalling a lot of programs that were supposed to help people going back to 1985, that it would be inappropriate to try a new program until we at least expend the funds appropriated from the old programs. Furthermore, I would also concur that what we need is, perhaps, not a new appropriation or a new program, but an active Administration that will implement the programs and the monies that we already have appropriated for these necessities.

The PRESIDENT pro tempore. Senator Peterson, the Chair will indulge you one more time because of the interest you have. I would remind you, though, that this is your third time.

Senator PETERSON. I have just one quick point, Mr. President. It was suggested that we utilize some of the funds that are available and that have been unspent. Those monies are not available to any community that has not been declared a federal disaster area. I would like to say to those of you who represent rural areas, if your small communities have an isolated storm and have massive damage, they will never meet the federal criteria. I think the state has an obligation to help a small community that has a massive loss when they have such a limited budget.

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

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

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

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

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

YEAS—26

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

NAYS—23

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

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

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

KELLEY AMENDMENT

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

Amend Title, page 1, line 21, by removing the period after "Affairs" and inserting: ; and further providing for the sale of certain unimproved land by the Department of Transportation.

Amend Bill, page 1, by inserting between lines 23 and 24:

Section 1. Section 2003(e)(7) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended December 7, 1979 (P.L.478, No.100), is amended to read:

Section 2003. Machinery, Equipment, Lands and Buildings.—The Department of Transportation in accord with appropriations made by the General Assembly, and grants of funds from Federal, State, regional, local or private agencies, shall have the power, and its duty shall be:

(e) ***

(7) Any other provisions of this act to the contrary notwithstanding, the department may sell at public sale any land acquired by the department if the secretary determines that the land is not needed for present or future transportation purposes:

(i) Improved land occupied by a tenant of the department shall first be offered to the tenant at its fair market value as determined by the department, except that if the tenant is the person from whom the department acquired the land, it shall be offered to the tenant at the acquisition price, less costs, expenses and reasonable attorneys' fees incurred by the person as a result of the acquisition of the land by the department. If there is no tenant and the person from whom the department acquired the land did not receive a replacement housing payment under section 602-A of the "Eminent Domain Code," or under former section 304.3 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law," the land to be sold shall first be offered to such person at the acquisition price, less costs, expenses and reasonable attorneys' fees incurred by the person as a result of the acquisition of the land by the department.

(ii) Unimproved land shall first be offered to the person from whom it was acquired at its acquisition price, less costs, expenses and reasonable attorneys' fees incurred by the person as a result of the acquisition of the land by the department, if the person still retains title to land abutting the land to be sold. If the land abutting the land to be sold has been conveyed to another person, the land to be sold shall first be offered to that person at its fair market value as determined by the department. However, land acquired by gift that the secretary determines is not needed for present or future transportation purposes may first be offered to the donor for a nominal consideration. If the donor no longer exists, or if the donor does not accept the offer, then such unimproved land or any portion thereof may be offered on a competitive bid basis restricted to owners of land abutting the unimproved donated land. The department shall have discretion to divide such donated unimproved land for separate competitive bid offerings.

(iii) Notice of the offer described in either subclause (i) or (ii) shall be sent by certified mail, or, if notice cannot be so made, in the manner required for "in rem" proceedings. The offeree shall have one hundred twenty (120) days after receipt of notice to accept the offer in writing.

(iv) Revenue from any sale of land acquired with motor license funds shall be deposited in the Motor License Fund.

Amend Sec. 1, page 1, line 24, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, lines 24 and 25, by striking out "of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929,"

Amend Sec. 2, page 2, line 22, by striking out "2" 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?

STAUFFER AMENDMENT

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

Amend Sec. 1 (Sec. 2501-C), page 2, line 7, by inserting after "file": , pursuant to the Department of Community Affairs regulations,

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?

Senator ZEMPRELLI. Mr. President, I would ask that the bill be referred to the Committee on Appropriations as it requires a fiscal note.

The PRESIDENT pro tempore. The question raised by Senator Zemprelli is, Senator Zemprelli moves that House Bill No. 942 be rereferred to the Committee on Appropriations.

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

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

(The Senate was at ease.)

Senator STAUFFER. Mr. President, due to the fact that we are so very, very late in our Session and it is not our intention to run this bill right now, I would ask for a "no" vote on the motion. I think it is clear the fiscal note would show exactly what the amendment shows, that it is an exact amount of dollars that has been requested in the amendment. Therefore, being expedient with regard to the Calendar problem we face, I would ask for a "no" vote on the motion to rerefer the bill to the Committee on Appropriations.

PARLIAMENTARY INQUIRY

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

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

Senator ZEMPRELLI. Mr. President, it seems as though we are on a sidetrack here. I am not requesting anything other than what the Rules provide. The motion is not in order and I did not move. The Rules are very explicit. They indicate that when a bill has a fiscal matter involving the expenditure of funds, that bill must go to the Committee on Appropriations. It is not a matter of direction by this Body, but a matter of requirement by the Rules. My statement was in the nature of a request, not a motion. The Chair assumed that I was moving. I have no reason to move. There is no purpose to move.

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

MEETING OF COMMITTEE OF
CONFERENCE ON SB 483

The PRESIDENT pro tempore. In the interest of saving time, Senator Corman has asked me to announce that the Committee of Conference on Senate Bill No. 483 will meet immediately in the Senate Rules Committee room. Permission has been received from Senator Stauffer and Senator Zemprelli for such a meeting to be held off the floor. All Members of the Committee of Conference on Senate Bill No. 483 please report to the Rules Committee room immediately.

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

The PRESIDENT pro tempore. Senator Zemprelli corrected the Chair appropriately, that he did not move that the bill be rereferred to the Committee on Appropriations. He asked for a ruling from the Chair and then asked for a point of parliamentary inquiry. His point is well taken, that under the Senate Rule the bill cannot be given third consideration until such time as it receives a fiscal note. However, the Chair has no authority to refer the bill to the Committee on Appropriations, only to rule that the bill cannot receive third consideration until such time as it receives a fiscal note. That is where we are currently.

Senator ZEMPRELLI. Mr. President, I agree with the Chair's ruling.

The PRESIDENT pro tempore. House Bill No. 942 will go over in its order, as amended.

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.

BILLS ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS

HB 349 (Pr. No. 4174) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration and for the titling of all-terrain vehicles; and defining certain terms for purposes of the oil company franchise tax for highway maintenance and construction.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 349.

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

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

YEAS—49

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

NAYS—0

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

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

BILL OVER IN ORDER

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

BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED BY THE SENATE

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED BY THE SENATE

SB 408 (Pr. No. 2570) — 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.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House as amended by the Senate to Senate Bill No. 408.

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

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVE

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

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SB 776 (Pr. No. 2571) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing 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; further providing for compensation to nonresident victims; and providing for the continuation of the Crime Victim's Compensation Board.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House as amended by the Senate to Senate Bill No. 776.

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—48

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

NAYS—2

Bell	Bodack
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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 inform the House of Representatives accordingly.

LEGISLATIVE LEAVE CANCELLED

Senator ZEMPRELLI. Mr. President, I would request that Senator Fumo's temporary Capitol leave be cancelled.

The PRESIDENT pro tempore. Without objection, Senator Fumo's temporary Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 377 (Pr. No. 2499) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," providing for the licensing and regulation of personal care facilities; establishing the Personal Care Facility Advisory Council and providing for its powers and duties; further providing for regulations of the department; permitting health care facilities to board an animal in certain cases; further providing for the reporting of incidents of professional misconduct and for enforcement and penalties; and making an appropriation.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 377.

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—28

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

NAYS—21

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1412 (Pr. No. 2529) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further defining "bonds."

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1412.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

SB 1450 (Pr. No. 2530) — 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, "An act providing for independent oversight and review of regulations, creating an Independent Regulatory Review Commission, providing for its powers and duties and making repeals," providing for sunset review for the commission.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1450.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

Hankins	Loeper	Romanelli	Williams
Helfrick	Lynch	Ross	Wilt
Hess	Madigan	Salvatore	Zemprelli
Holl			

NAYS—0

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

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

SB 1482 (Pr. No. 2536) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Borough of Evans City, Butler County, in return for the imposition of Project 70 restrictions on certain lands owned by the Borough of Evans City, Butler County; and authorizing the release of Project 500 restrictions imposed on certain land owned by the Township of Horsham, Montgomery County, in return for the imposition of Project 500 restrictions on certain land being purchased by the Township of Horsham.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1482.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I request a temporary Capitol leave on behalf of Senator O'Pake.

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

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

HB 595 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 1306 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

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

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 third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate 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.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,

Shall the bill pass finally?

Senator KELLEY. Mr. President, I just wish to say from the other end of the province that it is a pleasure to support the \$14.5 million to the successful attainment of Chester County in the southeastern part of the Commonwealth to get Kodak and its research facility there. One thing I believe we ought to consider, Mr. President, is that it shows the rule of thumb that PIDA has. I think \$15,000 per job in this particular case is 300 jobs, and at that rate it would be \$4.5 million. It is about \$10 million more than the PIDA rule of thumb.

I am not critical, I am just pointing out to let this bill be a standard for us to recognize that we can make a commitment of Commonwealth monies with vision and foresight. I am very happy to join, even though from the other end of the province, in support of this bill. It is worthwhile and maybe we ought to be stimulating and putting more and more money into economic development so that we could have many more opportunities such as this.

Senator WILLIAMS. Mr. President, I rise to support the bill. I would like to note that this significant effort in southeastern Pennsylvania will not go unnoticed by thousands of citizens in those areas that surround it. I think in keeping with some events of recent months to assist in economic development in a significant way in the southeastern area, this is another such step. In voting to support this effort, I would like to note it is my fervent hope that the fullest participation in this endeavor be shared by as many as possible, as productively as possible. I guess we all know when new things come along and when the captains of industry do bestow faith in our areas to develop their profit-making establishments, all too often the shares of those efforts do not spread among the many as fully as they can. In noting that, by the passage of this legislation, there is a public confidence, a public motivation and a public inducement that our state go higher. I just want to say that it is a hope that our people who may be at the bottom and in between do not get forgotten when the public support to significant efforts do prevail. I know many people have claimed the success of this endeavor. I do not know who they may be, but I would like to thank them for bringing to our region—especially after certain meetings that have taken place—a positive step for economic development. Mr. President, I would like to say I gladly support this effort and this piece of legislation.

Senator STAUFFER. Mr. President, I thank the last two speakers for speaking in support of this project. Because of the lateness of the hour, I am going to be very brief, but I would like to say that the project upon which we are going to vote in a moment or two, in my judgment, is a big victory for all of Pennsylvania. Obviously, when an economic development project is going to take place, it has to be in some given location, and locations can vary. As you all know, this is the

second project we have done through the Sunny Day Fund we established two years ago. The first one was in Washington County in western Pennsylvania. The second one is in Chester County in eastern Pennsylvania and hopefully in the years ahead we will have the opportunity to approve others that will be of equal value that will be in various sections of the Commonwealth. But I think we have to recognize there are not only the benefits that come from a project of itself, but there are also many spinoff benefits that come to accrue to all regions in the Commonwealth and all the people of the Commonwealth benefit. Winning this one is a very large victory for Pennsylvania because the competition was very keen and the potential in this project is one of the greatest that we have had in the Commonwealth in probably the last half century. I am pleased we have the support. I am pleased Pennsylvania was a winner in the competition, and I hope it will materialize into being with all the job production and all the benefits that it is intended to bring to Pennsylvania.

Senator BELL. Mr. President, I will be brief. When the gentleman from Philadelphia, Senator Williams, stood up to support the project, I was thinking of the very heavy unemployment in his district and in parts of my district along the Delaware River, especially the City of Chester. Because of the construction of the Blue Route, which will be completed just about the time that Eastman Kodak comes into being, there will be ready access to the heavy unemployment areas of Philadelphia and the City of Chester to this area around Malvern, Chester County. Actually, it is not a Chester County operation, it is something that is going to benefit especially the minority groups. This will give our young people something to look forward to in jobs, not only, as I said, in Chester County, Delaware County, Philadelphia County, but coming the other way on the Blue Route on the highway setup, the turnpike northeast extension, those jobs are going to be there for a lot of our young people.

Senator STOUT. Mr. President, likewise, I rise to support this appropriation. As the previous speaker mentioned, the first Sunny Day Fund project was the Genesis Industrial Development Project in Washington County. As we speak, there are hundreds of people being employed in the construction of that new facility. It is supposed to begin operation either late in the first quarter or second quarter of next year. I think this is the type of economic stimulus that this Commonwealth needs, and I am proud to support that even though it is not in Washington County, but it is part of Pennsylvania. I think this is what we have to have to go forward on a bipartisan position supporting these types of appropriations, and I urge a unanimous vote for this.

Senator LINCOLN. Mr. President, I feel like I am wading in cold water with moss on the rocks on the bottom. I rise, surprisingly enough, to oppose House Bill No. 2749. When I look at the statistics in the southeastern part of Pennsylvania and I look at the statistics in southwestern Pennsylvania and I see one-third of the money we appropriated in the Sunny Day Fund going to one project—which is an iffy project—in Chester County, I start to be a little concerned about what our

commitment is to the millions of people who live west of the Susquehanna River in this Commonwealth. The Administration we see ending right now failed to recognize that the thirteen southwestern Pennsylvania counties—of which I represent two—have been devastated by the loss of our heavy smokestack industries. They ignored that to the point where we passed a \$190 million bond issue on a referendum the people in this Commonwealth approved, and it took a political campaign to free up more than \$30 million of that money. The Sunny Day Fund is not a new fund. This is the second year we have had it. We also have a Rainy Day Fund. If the truth be known, neither one of those funds were put into operation or into existence to do anything to help anybody get a job. Two years ago the Governor was concerned about having enough money to fund a budget for this year, in an election year, and so they put \$50 million away. They put \$25 million in a Sunny Day Fund, \$25 million in a Rainy Day Fund. They made it a two-thirds vote, knowing that because of the partisanship of the two houses and the way it was made up, that nobody would ever get any of that money through. Then I see late in the Session, with a maximum of forty-eight more hours before we sine die, almost \$15 million comes through here to bring in 300 jobs in the lowest unemployment area in the State of Pennsylvania. Those 300 jobs are going to cost the Commonwealth \$50,000 a job. Now you give me \$50,000 to go into my counties, Fayette or Somerset, and I guarantee you that I will find you 300 jobs. I know the projection is 2,000 or 3,000. From what I read about this—and, in fact, the funny part of it was that we could not get any information on this until today—if you read the law that put Sunny Day in existence, is that the Chairmen of the Committee on Appropriations in the respective houses are supposed to have that information long before you are voting on a piece of legislation.

Mr. President, I will give you some really scary figures of what we are doing with one-third of our economic development money in one area. In Chester County, from March 3, 1979 to March 3, 1985, the change was a total of plus 15 percent in employment and plus one percent in manufacturing employment. Beaver County had a minus 33 percent in total employment and jobs and a minus 61 percent in manufacturing. Washington County had a minus 14.5 percent in total job growth, minus 40.6 percent in manufacturing employment growth. Fayette had a minus 17 percent in total growth and minus 37.2 percent in manufacturing. I can take you through the whole southwest and show you these figures. I cannot in any good conscience vote for this. I know it is going to pass. When the Majority Leader of the Senate has a project in his district, I am not stupid enough to think that even people on this side are intimidated by that particular presence. I know this may have some effect on any project I may have down the line, but I cannot in good conscience allow people to praise this as a project that is going to benefit Pennsylvania.

The one thing that really bothers me about this is it is not a permanent facility. The project plans call for this to be an interim facility with the hope that Kodak will, at some point

in time, build a permanent facility in the area. It also is going to allow a private developer to own this facility when we are finished. We are going to give \$15 million to a private developer who will not have to pay any interest on a loan. At 12 percent on \$15 million over the period it would take to repay that, figure out what we are doing here this evening. There are a lot of ifs about this particular project. For 300 jobs, the fact we are saying to the rest of the Commonwealth, particularly the hardest hit areas of unemployment, "Maybe next time you might get a crumb. Maybe next time you will get \$4 million if we get \$15 million again." That is the reason why we have unemployment and stagnation in the west, because that is the attitude the Republican Party and this Administration have taken. I can tell you one thing, when January 20th comes, that attitude is going to change, because we are going to recognize the fact that good people with fingers on their hands, hair on their heads and teeth in their mouths are screaming and crying for a job. They need the help that this kind of money brings to people, and it will come. That is why this is being run through here at the last minute tonight, but there will be a change coming in January. We will have a little bit fairer approach, and the people who need the economic development in the parts of this Commonwealth that are dying are going to get some life breathed into them. I can tell you that I will be here to help do that.

Senator ROCKS. Mr. President, it was my full intent to cast a favorable vote on this very important measure. I think it is important that every once in a while we stop and realize that we are a deliberative Body and that an exchange of ideas, even conflicting ideas, is important to the policy that we make, not just on the measure that is immediately in front of us, but for the length of time that we may be here as the lawmakers of this Commonwealth.

I join with all of those who have stated their reasons in support of the expenditure of \$14.7 million from the Sunny Day Fund. I have listened with interest to my colleague from the southwest, the gentleman from Fayette, Senator Lincoln. I understand the complete sincerity with which he speaks. Fortunately, coming from the southeast corner of Pennsylvania myself, I am not in my district, nor in the City of Philadelphia nor in that southwest corner, living with the daily reality of the economic condition of that part of our Commonwealth. But I felt compelled to share a few ideas about why I think this vote is so critically important. I am convinced that this vote is exactly the reason we created the Sunny Day Fund, that we cannot find a purpose more appropriate than this expenditure, albeit large, a third of the fund, to bring to Pennsylvania, not just a new enterprise, not just a major manufacturing name, but an opportunity to build on our economic base in a way that any economic plan for this Commonwealth would say it is right for us. Let me complete that thought. I would be much happier casting this vote to have Kodak in my district. I think every one of us would be. That is natural. But the fact of life is and the economic condition of our state right now is that we have an industry that is on the move called the pharmaceutical industry. Kodak has made a

very major decision of their own. Yes, the Kodak that gave us Brownie cameras wants to now, with all of their corporate strength, enter the field of pharmaceuticals, something that in one corner of our state has become a part of our economic lifeblood. While I understand all of the sincerity that comes out of my friend and colleague, the gentleman from Fayette, Senator Lincoln, and I empathize with that, for a plan for the State of Pennsylvania looking to craft out an economic future in a dramatically shifting time, we need the Kodaks of this nation off on their brand new ventures, even if it is for the first 300 jobs, but then for all of the promise of what this new industry can be to be a part of our economic complex in the State of Pennsylvania. The day that we from here on out make these decisions as to where it is going to be in this state or how much we are spending on it or who personally or who by way of the people we represent is going to benefit is the day that we miss seeing the economic future of this state in a way that we as the policy makers must view it. I believe this is the absolute right use of a Sunny Day Fund, a concept that many of us in this room envisioned. I hope there is more of it. I hope and pray that one of these things lands right in the heart of the district of the gentleman from Fayette, Senator Lincoln, so that the people he describes who are today wracked with concern over unemployment will also be able to know the hope of an economic future in this state, but for this vote we have something going in Pennsylvania. We all can be very proud. Yes, proud of this Administration, proud of a negotiating team out of the City of Philadelphia who viewed this as important to the region and the fact that it was not coming to Philadelphia, that team stayed with it, proud of the gentleman from Chester, Senator Stauffer, and his team for staying with it and proud of ourselves for taking \$14.7 million and bringing to this Commonwealth a venture that is not just full of excitement, but is full of promise for an industry whereby Pennsylvania can be the world leader.

In closing, Mr. President, I have many times spoken about this economic transition in which we find ourselves. All of us here who have some sense of history know that the time when Pennsylvania, with the production of steel and with railroads and our great natural resource, coal, found itself as the very heartbeat and muscle of this nation's economy, is gone. We want to once again be that strong and powerful and meaningful great Commonwealth of Pennsylvania. In this transition, in this changing time, this is the kind of proposal that is going to put us back in our rightful place as a state that is leading this nation into the kind of economic vision that we must have. I hope we see how absolutely right this vote tonight is on \$14.7 million which is going to be pumped into the economic lifeblood and future of the entire state of Pennsylvania.

Senator ZEMPRELLI. Mr. President, the gentleman's remarks were so apropos I find it very difficult to add to them, except that I feel compelled to express maybe just another view on the same subject.

Mr. President, I was the solicitor for the City of Clairton in 1950, and in that year the City of Clairton had the first redevelopment project in the Commonwealth of Pennsylvania. It

was the demolition of, perhaps, twelve buildings within one single lot area across from the United States Steel Corporation Plant at that time. That land, thirty-six years later, remains in the same precise condition. I had taken a case to the Pennsylvania Supreme Court to determine whether it was proper to have redevelopment funds used where there was no redeveloper. Unfortunately, the courts sustained me. What I am trying to say here—and it is difficult to say it from a Senator who comes from a distressed area—is that over the past thirty-six years I have come to understand the need for balance in making appropriations to those types of projects that are productive as well as appropriations to those that are in need of revitalization, the so-called enterprise areas that would lend to jobs and allow monies to flow so that the jobs and the economy in Pennsylvania can be enhanced, and understand at the same time there is a recognition to also provide for those that have been depressed, such as the steel industry. One of the worst things that can happen is to retrain somebody for a job that does not exist. That is critical because that is a form of welfare. One of the worst things that can happen is to provide funds for a project that has no future, and the line of definition in those instances and every instance is, where are the jobs? I support this project because I have seen what I can expect of the Genesis Project in Bentleyville where an English based company has elected to come in with an innovative product that will allow packaging to move from the shelf to the oven to the table without the need of a freezer, for example. I commend this kind of thinking in terms of the fact that we are not talking about what may happen, but we are talking about a commitment for so much employment than the probability of others, so I cannot in honesty reduce it to the simplicities of so much money, so many jobs right now. If that were what it was all about, I would vote against this issue. There is a higher purpose, too, and I will conclude. There is a political world out there, Mr. President, a political world that means if two-thirds votes are required to pass this measure, which I support in the concept of Sunshine, then we need to put the very subject matter that we are addressing here now above politics. I could be more succinct, I could be more direct. This project just did not happen. It happens on the expectation that everyone, regardless of political affiliation, will be prepared to treat programs in the future on the basis of their worth, such as we are doing here. We can exercise concern about whose district it is in and who is the primary beneficiary, but we must finally come to the bottom line, is it good for Pennsylvania?

Mr. President, we have to work together, and I am suggesting to the Majority Party that you are seeing at this moment, at this point in time, a demonstration by the Minority of its willingness to cooperate with the Majority for the higher good, and that is a very, very essential compromise in this entire issue. I am voting for this measure, and I am voting with the expectation that when I come with open arms on behalf of projects on behalf of my caucus, that they will be received with the same amount of consideration as this project is being received.

Senator STAUFFER. Mr. President, I do not want to prolong this, but I think it is very important to correct a couple of misstatements that were made by the gentleman from Fayette, Senator Lincoln, and I hope all the Members will clearly hear this explanation. In his remarks, the gentleman from Fayette, Senator Lincoln, indicated that we were doing something that would be to the financial benefit of the developer as far as the \$14.7 million that the Commonwealth is putting into this project. Mr. President, that is not correct. Not a dime of the money that we are putting into this is going into the construction of the building. The \$14.7 million that we are committing from the Sunny Day Fund is for properly equipping the building for the purposes to which the Eastman Kodak Company will put the building to use, and we will own that equipment. We will be subleasing the building at a profit to Eastman Kodak so that we will be recovering our investment. When and if Eastman Kodak moves onto the permanent larger facility, we will own that equipment which will be marketable and it is very likely, Mr. President, that the Commonwealth will not only have brought in this large facility and this large economic development project, but it also is very possible and likely that we will profit in the long run on the deal. Therefore, I think it is important as we vote on this, that we recognize these are the facts of the matter and that we are not throwing money away and doing anything to improve the lot of an individual developer.

Senator LINCOLN. Mr. President, I realize that we did not receive information on this until a very late hour on this vote, but the information that I have is totally contrary to what the previous speaker said. The \$14.7 million would be to partially finance the costs of special tenant improvements at an interim facility to be operated by Eastman Kodak. That came from the information given to my staff, myself and some other Senators today in the Democratic caucus. There is a very complicated lease and I am not going to go over it. It is a paragraph that when I got done, I would not know what I read and neither would you. I will say that our assessment is that because of the uncertainty of the lease arrangement, it is not possible to determine the exact amount the state will recoup from this lease agreement. However, based upon an assumption that Kodak would occupy its permanent facility following expiration of the initial five-year agreement, the state would recoup \$5.75 million of its \$14.7 million investment, and to get the balance of the original \$14.7 million would depend upon the future occupancy and/or sale and value of the interim facility. If that is not giving \$14.7 million with a very uncertain future to it to a private developer, then I do not know how else it could be said. It is very apparent, in black and white, that the developer of this special interim facility has no obligation to repay, is paying no interest on money that we are giving that person and, at the end of five years, or whatever period of time, we are not sure what we are getting back. I say that is a very expensive price to pay for 300 jobs.

Senator KELLEY. Mr. President, I only make a second comment because I think it is important to develop the concept of the gentleman from Philadelphia, Senator Rocks,

when he spoke about the so-called deliberative concept that we are supposed to have. I speak as a Senator from an adjacent district to the gentleman from Fayette who has spoken in opposition. I speak, therefore, to clearly set forth my positive reasoning to balance off with his position.

First and foremost, the concept—it does not matter to me where the money is going, it is going into the totality of the project—of what you give here is what you do not give over there, so what goes into a project is its total composition. The gentleman from Fayette and I both are complimented by hearing some of our colleagues today speak in favor of this project because they spoke on the floor with great doubts and even voted negatively when the project to which the gentleman from Fayette, Senator Lincoln, and I, in our districts benefitted, our people benefitted, in the Volkswagen operation. Tremendous monies of this Commonwealth were committed in various aspects. We are pleased to know that Members of this Body and the other Body supported the same with the Administration. The point that I make is that it is not always the governmental choice what comes and where it goes or where it settles. Volkswagen settled here because Chrysler had earlier made a determination and commitment and partially undertook the construction of the building. It was ideally suited, therefore, for an assembler of automobiles to come in. We had to do something to induce them to do it. Likewise, in this particular project before us, Kodak was looking for a new place. As I understand it, the advisors they had originally had something like fifty-some sites in this country where to settle. It became more and more narrow all the time on the list. Ultimately, I believe there were five sites, but the competition was between the Baltimore and the Philadelphia area. The point is, if they did not choose, if they did not consider seriously any other place in this Commonwealth but the Philadelphia region, then I think it is incumbent on each and every one of us to support it, because as we all have been keenly aware, the economic basis of the manufacturing element of our society economically is decreasing and the service and technological areas growing. In this regard, it is a unique opportunity for someone with tremendous capital reserves to invest in a new area in the chemical field and they have done so in this Commonwealth. They are going to have new employees. They are going to have a high compensation employee complement. That is going to get more taxes and it is going to offset and help us have revenues in this Commonwealth that will, in turn, if nothing else, lessen the burden on those who are deprived because of the economic deprivation. I believe that all the arguments and all the facts are supportive of an affirmative vote.

Senator ANDREZESKI. Mr. President, this is referred to as coming from the Sunny Day Fund, and I would like to comment that it certainly is sunny if you are living in the eastern part of this state. If you live in the eastern part of this state, you are involved in what economists now call the bi-coastal economy. If you live in the west, you are almost living in the midwest. I would point out that if you go down on the extreme western end of this state in counties such as Erie

County, Crawford County, Mercer County and Lawrence County—if you do an accurate survey of the cities—you will find that your unemployment rates are anywhere from 15 percent to 30 percent of the population. I find it most interesting to note that we, at the last hour before adjourning, are giving the eastern part of this state \$14 million to create 300 jobs. I would ask that in the same spirit of cooperation when we who live in the west have some projects or some considerations or need some help with some of our distressed communities that do not even have money to pay their employees, that we would meet with this same sense of cooperation, that we would meet with this same sense of enthusiasm that is being generated here today for the Majority Leader's project in his district. I am sure if we compared the unemployment rates between his county and the county that I live in, we would see the difference between day and night or, perhaps, a sunny side on that part of the state.

Mr. President, I would like to see in the future more of a process of involvement that would allow people some access to the information that we are voting on before we vote on it. To come here and say, here is an appropriation to help Kodak and help the developer, is all very nice and we can all jump on the bandwagon hoping maybe I will get my piece of the pie. I would ask what pie for many people in this state who do not have a job to go to, or referring to the other speakers, what pie for people in this state who have gone to one training program after another in the western part of this state and still do not have a job to go to? With that I will conclude my remarks.

Senator MELLOW. Mr. President, I desire to interrogate 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 MELLOW. Mr. President, I would like to first congratulate the gentleman from Chester, Senator Stauffer, for doing what I think is an outstanding job for the people whom he represents. I would like to ask the gentleman a couple of questions that he may, in fact, not want to discuss under this particular issue, but I think it is at least important for me to make the effort of asking the questions.

Mr. President, there is an extreme possibility that a company is prepared to locate in northeastern Pennsylvania which would be basically shared by the constituency that I represent and the constituency that is represented by the gentleman from Schuylkill, Senator Rhoades, with one understanding, and that is this company is prepared to come in to construct a new facility at their own expense—not looking for any help from the state government, whether it be through the Pennsylvania Industrial Development Authority or whether it be through the Sunny Day Fund or any other type of industrial development money—and they are prepared to come in to construct a facility for the manufacturing of candy. Mr. President, the candy they would like to manufacture is confectionery that will have liquor filled centers either as a liquid or as a confectionery type of ingredient mixed in the ingredi-

ent. Mr. President, the question I would like the gentleman to answer if he can—if he cannot, I can understand it—is if we are prepared, of which I am prepared to go ahead and vote on a two-thirds vote of the Senate for a piece of legislation that will bring immediately to his Senatorial district some 300 jobs at a cost to the state taxpayers initially somewhere in the vicinity of \$14.7 million, can he then give us some idea of support that we may receive from him—the gentleman from Schuylkill, Senator Rhoades, and myself—and the possibility of passing a bill before we adjourn on Wednesday, of which an amendment has been prepared, to allow a manufacturing company to come into Pennsylvania where they will employ 110 workers, so, therefore, we can have 410 new employees before we leave here on Wednesday, but the stipulation is that they must be able to manufacture and, hopefully, market through the Pennsylvania Liquor Control State Store system as we have today, confectionery candy with either a liquid alcohol center or alcohol not to exceed 5 percent as part of the ingredients?

The PRESIDENT pro tempore. Senator Stauffer, a very simple question.

Senator STAUFFER. Yes, Mr. President. While I realize that this interrogation has no connection with the bill before us, I, nevertheless, am willing to respond to the gentleman. I would be willing, as an individual—and remember, I am only one vote in the Senate—to look at the proposition that the gentleman is speaking about. I would remind him that in my judgment—and I believe that I was able to pretty well document that when the issue arose previously of candy with liquor centers—the proposition that was before us would not produce what it was billed as producing. I do not believe that the people behind the bill were able to deliver on what they were claiming. If you have a substantial company that can show that it can deliver on what is being proposed and that the promise of a lot of jobs is not a guise just to get a liquor candy bill through, then, obviously, it is something that warrants consideration. I must point out to the gentleman, as he well knows, that aside from any of the economic factors, there is substantial opposition in this Commonwealth, which has been expressed by many people, toward producing liquor candy and selling it in this Commonwealth. There is concern that children would get hold of it, or whatever. That is another one of the issues that can arise and, obviously, it is something that many Members would want to consider. But, from a pure economic circumstance, I am willing to look at the factors with regard to the company in question to see if it is a genuine proposal, as opposed to what I felt the other one was, a false proposal.

Senator MELLOW. Mr. President, just for the record, hopefully to reflect what I think to be accurate, I think the opposition has come from Hershey Foods. I am not sure whether Hershey Foods has come to oppose the proposal based on the fact of their concern for children eating candy filled with alcohol as much as it is the competition which they may want to eliminate here in Pennsylvania. Mr. President, I would have to ask the gentleman from Chester, Senator

Stauffer, since I have had the opportunity during our recess to meet with the people, to meet with the various Chambers of Commerce groups that are affected by it, to also meet with the architectural firm that has been hired to do the design and, ultimately, the bidding on the construction. I would have to ask the gentleman, since we are not obviously dealing with Eastman Kodak, what type of information would be necessary that could be furnished to him within a forty-eight hour period of time so that we could bring this about as a reality?

Senator STAUFFER. Mr. President, I think what I would want to see would be just the facts that we were dealing with a substantial enough company that it could carry out the type of proposal that the gentleman is speaking of. Let me give you the comparison. When the previous proposal was brought before us, I had the opportunity to be visited by a representative of the company, which I learned was a three person family operation, and the claim being made that suddenly this three person family operation—and we all know there are literally hundreds of families in the candy making business in little shops all over Pennsylvania—overnight, with the passage of that bill, we were going to have a large facility constructed, employing upwards of a couple of hundred people. Quite frankly, in my judgment, the one could not translate into the other in a situation as it was described to me. I think if you are talking about a facility that can employ in excess of 100 people as you say, we have to recognize that we are talking about a substantial financial commitment, and I think we would need to know that there was a company involved that had the financial capacity to carry out that kind of project. Mr. President, I do not want to see anyone fronting for someone else to try and break down the bars. I want to see that we are dealing with the entrepreneur himself who is going to be into this business.

Senator ANDREZESKI. Mr. President, I thought it was interesting that you gave everyone the verbal license to go from the Sunny Day Fund to liquor in candy. As long as we got to the issue of liquor in candy connected to the Kodak drug factory, I would like to make a comment on behalf of several people in this room. The fact of the matter is, divorce Hershey Chocolate Company from this issue. I think I can state unequivocally from my district that I know from very personal experience that there are many, many more people who are opposed to putting liquor in candy in this state than are clamoring at our doors to get a booze-filled piece of candy. I would just like to make that point also on the issue.

And the question recurring,
Shall the bill pass finally?

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

YEAS—48

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

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

NAYS—1

Lincoln

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

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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—49

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

NAYS—0

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

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

HB 41 (Pr. No. 4193) — 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.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate 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 42 (Pr. No. 4194) — 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.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate 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 84 (Pr. No. 4159) — The Senate proceeded 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 and agreed to,

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

On the question,

Shall the bill pass finally?

Senator SALVATORE. Mr. President, I just wanted to make a few comments on this mass transit bill. I think it has been alleged that mass transit, particularly SEPTA, has been mismanaged, and I agree. To that end, people have urged that the emergency funding is not justified. I know the approach that has been used by the management of SEPTA has been wrong, but not to fund it would only hurt the citizens of Pennsylvania. I did not like the idea that they threatened to cut the services and to put pressure on the Legislature, and I do not condone their actions. However, how can we justify the service cuts to the senior citizens and the handicapped? How can we justify the service cuts to the taxpayers who rely on mass transit for going to and from work? How can we justify the service cuts to the consumer and the business community who rely on mass transit to shop and purchase goods, especially during this holiday season?

Mr. President, I believe mass transit is an essential ingredient. What we are seeing in southeastern Pennsylvania with Kodak is because we have mass transit and, if we did not have mass transit to move people, they would not be coming to Pennsylvania. I think we need good roads, we need education, but, far more, we need the mass transit systems. We need mass transit to move people to and from doctors' appointments, schools, and so many other services. I urge a "yes" vote for the mass transit system in Pennsylvania because it benefits everyone in Pennsylvania.

Senator ROCKS. Mr. President, I concur in the comments from my colleague from Philadelphia, Senator Salvatore, and his justified criticism of the transit authority in the southeast and their tactics dealing with their operating deficit to this point in time. I think what is more important is the vote that is in front of us. I would like to make the briefest commentary on that.

First of all, I, for one, would like to both thank and commend the gentleman from Montgomery, Senator Tilghman, for the amendment that is included in this bill. I would also like to point out that whenever I have been involved with the addressing of the issue of mass transportation in this Commonwealth, it takes the strongest bipartisan sense to come to any conclusion that is worth what I believe must be a part of this Commonwealth, and that is mass transportation.

The formula change that the gentleman from Montgomery, Senator Tilghman, has proposed in the Committee on Appropriations and now included in this bill—and I thank both staffs of the Committee on Appropriations for their efforts—is the most significant change in the operating formula for mass transportation since it was created in 1980. I was one of the authors of that formula in 1980 and at that point in time we knew that it had a very real deficiency. The formula, simply stated, was positively in the negative. It rewarded people in transit across this state based on the size of their operating deficit. What is in front of us now for a vote is a whole new ball game for the funding of mass transportation. We now take a very positive approach. We will see transit agencies, the authorities across this Commonwealth, from Philadelphia to Pittsburgh and all those critical transportation authorities in between, rewarded by way of their state appropriation for levels of service and for levels of ridership, those things that will continually improve mass transportation as it must be improved.

Mr. President, I also want to commend—and this is a proud moment—both the Governor-elect and Lieutenant Governor-elect of this state for their active leadership in the days that have preceded this vote, without hesitation on an issue they could have certainly paused on, looked over during the months of transition, stepped forward immediately to say that this is right, that this formula change is the proper way for us for the remainder of this year, into a new budget year, to fund mass transportation. This is a major expenditure of dollars, but it is the right direction.

As an advocate of mass transportation, I will not give up on a position that I have long stood for, and that is that at some point in time I believe this state must designate some revenues specifically to mass transportation. But between now and then and for the next three to four years with this legislation, we are certainly taking the most legitimate and the absolute correct step for the funding of mass transportation. For southeastern Pennsylvania this legislation avoids a crisis and not a self-imposed crisis, but a crisis in a shortfall of dollars. For Pittsburgh, for the Eries and Williamsports, for the Harrisburgs and the Readings and the Allentowns, this is a step in a direction to better fund a critical service. I tell you this as a Philadelphian, as I have said on this floor many times before, we represent people who every day rely on that public transportation ride as a way of life. This funding formula will now allow that to continue in a way that service should improve and it should be safer. Yes, I join with the gentleman from Philadelphia, Senator Salvatore, and others, in making a firm commitment that in every way possible, we will make it accountable.

Senator BELL. Mr. President, the hour is late and we are trying to do about four months work in about two days, which is the wrong way to legislate.

I was one of the witnesses at a public input hearing on SEPTA's scare tactics where they threatened to cut back on the bus lines—in my own district, Route No. 37 bus line from Philadelphia Airport down to Chester—and they were going

to chop off 60 percent of the suburban rail transportation. The present SEPTA management used scare tactics and so found the hearing examiners but, of course, the chairman of the SEPTA board—who I do not think will be there much longer after January 20th—said there were no scare tactics used. Well, that gentleman and I differ. I am voting reluctantly. I am not voting enthusiastically for this thing because I see SEPTA as a leaky barrel, and I think it is full of incompetence and inefficiency. As I said in front of the hearing examiner and some hundred or so spectators, I do not think we can cure SEPTA's illnesses with more silver from Harrisburg.

One of my colleagues asked for a performance audit by competent transportation experts. When I raised this in front of the SEPTA hearing examiner, one of their most competent staff—and by the way, the hearing examiner sat like a judge and flanking him were four SEPTA officials, it was a kangaroo court—broke in on me and told me what good would another audit do, that they have auditors in there all the time. I am certain from that evening on, because the man who made this statement was one of the key fiscal officers of SEPTA, that they do not even know what a performance audit is. They do not know a performance audit means that you go out and look as to why there is a fist fight between a brakeman and a motorman on a suburban train outside of Swarthmore. They do not know a performance audit is to look into why four trains have a collision on SEPTA. No, their whole attitude has been one of arrogance toward the people who pay the bills. This is not a bottomless well up here in Harrisburg, and I have said so. My good friend, the gentleman from Philadelphia, Senator Rocks, has been fighting these hills the same as I have. I could tell you there are not months available for transition. When Governor Casey takes over on January 20th, he takes a baby. He is not going to have a couple of months to teach it to creep and crawl. That baby is down there on January 20th. I know the gentleman from Philadelphia, Senator Rocks, agrees with me. I know the people from Philadelphia agree with me. One of the biggest challenges is to go through the SEPTA outfit, do a good performance audit with competent transportation experts and come up with an answer, and the answer is just not as simple as tonight. More silver from Harrisburg will not solve SEPTA's problems.

Senator STOUT. Mr. President, I rise to support the passage of House Bill No. 84 and submit the following information for the legislative history concerning the distribution formula as it addresses Class 3a and 3b transit systems. There are nearly twenty of those types of transit systems, and we hear the main emphasis being on SEPTA and the Port Authority Transit serving Allegheny County. Those are twenty other transit systems throughout the Commonwealth, to submit this formula for legislative history purposes.

(The following statement was made a part of the record at the request of the gentleman from Washington, Senator STOUT:)

Class 3 transit entities will have a certain portion of their grant based on their FY 85-86 "adjusted base grants." Adjustments have been made to reflect a one-time infusion of federal funds and significant reductions in service levels. The following amounts should be used as adjusted base grants for Class 3 properties:

<u>Class 3a</u>	1985-86 Adjusted Base Grant (\$ thousands)
AMTRAN	\$114
BARTA	\$307
CAT	\$821
COLTS	\$657
EMTA	\$884
LANTA	\$604
LCTA	\$500
RRTA	\$225
<u>Class 3b</u>	
BCTA	\$385
CATA	\$416
CCTA	\$677
Canonsburg	\$ 20
Pottstown	\$132
Sharon	\$ 29
Washington	\$ 68
WCTA	\$167
WBT	\$390
YATA	\$230
Monesson	\$120
Capitol Bus	\$ 30

Senator PETERSON. Mr. President, I will try to be quick, but before we go to a vote on this issue, I just wanted to say a few things for the record. As I look at the proposal before us and I look at the printout, I do not see anything for my district and I am disappointed about that, because mass transit is a problem in all of Pennsylvania. It is not just a problem in the urban areas. I guess the question I want to raise and have on the record is the fairness of our present system and that today's legislation may do things to correct the operation of SEPTA, but does not really resolve the fairness issue in mass transit monies in the Commonwealth.

As I look at a map here that has been prepared, I see that most of the rural counties in the Commonwealth get approximately \$2.00 per capita for mass transit, where in the far southeast, I guess which is Philadelphia, it gets up to \$66 per capita. I also look at some statistics of who really gets the fair share, when Philadelphia provides 23 percent of the rides and gets 41 percent of the reimbursement, the Allegheny system provides 13 percent of the rides and 18 percent of the reimbursement, and the rest of Pennsylvania, which includes most of rural Pennsylvania, provides 63 percent of the rides and receives 41 percent of the reimbursement. Then we have the demand response system that used to be for the rurals and is

now also shared by the urban areas, and there is an unfairness that has come into that program that I think should be on the record. In the City of Philadelphia you can be reimbursed \$12.03 to be taken to the doctor on a demand response ride in a taxicab, in Allegheny County you can be reimbursed \$8.79, but in rural Pennsylvania, where you might have to drive forty miles to the doctor, you get \$4.52.

I do not imagine this is going to change any votes tonight and I am not really showing those facts for that reason, but I think it is important that the next time we address the mass transit issue, that we deal with the fairness and that we look at the whole Commonwealth and not just the urban areas that presently have the majority of the funding.

Senator KELLEY. Mr. President, it is interesting that the issue of the preceding debate talked about things over which we really have no control about where we put the Commonwealth monies to help economic expansion. In this particular issue, I think the gentleman from Forest, Senator Peterson, points it out very well. We have a common denominator among all of us in this Commonwealth and that is the public transportation system. Therefore, we now talk about the contribution of the Commonwealth Treasury and the commitment. Where is the equity? You see it seems intolerable to me to believe that 70 percent can go to one area of the Commonwealth that maybe has 28 percent of the population. That is almost an inversed three to one relationship. That is not justifiable. You go to the other end of the Commonwealth, the southwest port authority, and they are getting 25 percent. As the gentleman from Washington, Senator Stout, said, there are about twenty authorities altogether. We have taken care of two of them, which means eighteen transit authorities are going to share 4.5 percent of the money. I do not think anyone has any reservations about how disproportionate that is with the distribution of the people of this Commonwealth. We know that the totality of the population is not even 50 percent in the areas served by SEPTA and the Port Authority. They do not serve 50 percent of the population of this Commonwealth, but they have 94.5 percent of the money. I believe it was adequately said by the senior Senator from Delaware, Senator Bell, when he said it was a sieve, it has holes in it, or something, to put good money after bad. I have no doubt there is agreement we are going to pass this bill. It is not going to be with my commitment and my vote, because I agree with the gentleman from Forest, Senator Peterson. I think it is time for us, in a case where you have equity application, that we apply equity. In the preceding issue as the issue of money for Chester County, you take those situations as they occur because there are other decisions that are made as to whether or not there is any opportunity to commit Commonwealth monies for economic growth and expansion. Mr. President, I think it is unjustifiable for such inequitable distribution and commitment of public money.

Senator GREENLEAF. Mr. President, I only have a few comments. I do not want to prolong this debate, but I feel compelled to make a few comments about the actions of SEPTA in leading up to this passage of this legislation for

which I intend to vote. Their actions were absolute blackmail in regard to this State Legislature and it was intended to be so. We can either assume that they intended to make such drastic cuts, and if that was their intention, then it was absolutely irresponsible on their part to do it. If it was not, then, of course, it substantiates their crisis politics that they are playing with us in order to have us pass additional appropriations for them, which we have done in the past. Unfortunately, this type of action does not encourage new ridership in SEPTA. When such irresponsible announcements are made, what happens is they continue to lose ridership. I think it is important for us to keep monitoring this program for next year and for the new Administration to take a look at this and to make sure that in the years to come that we try to change the direction in which SEPTA is going. I see a system in my district and throughout southeastern Pennsylvania that is not only losing ridership but is a system that is not changing, that is not responding to the needs of the people in that area and, as a result, it is becoming less and less attractive. As they lose more ridership and make announcements like this, it requires more and more money for it to be subsidized. I would hope that it is important for us, if they are not going to make the changes, it is important for us, as a Legislature, as we appropriate monies for them in this year and following years, to make sure we do the management studies for them and make the changes, enforce the changes that are necessary to bring this system in a position where it will be gaining more and more riders and become less and less responsible and less and less reliant upon the State of Pennsylvania in local revenues to support their activities.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator Lincoln who are currently in their offices and also a temporary Capitol leave for Senator Zemprelli.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Fumo, Senator Lincoln and Senator Zemprelli. The Chair hears no objection. The leaves are granted.

And the question recurring,
Shall the bill pass finally?

Senator ROMANELLI. Mr. President, it is gratifying to see that the General Assembly has finally realized the importance of mass transit in Pennsylvania. If we are ever to make an economic rebound in this Commonwealth, it will be through mass transit. People look at your mass transit authorities before they come in and locate in your area. Another point, Mr. President, my previous colleague who spoke, the gentleman from Westmoreland, Senator Kelley, failed to mention that the Allegheny County Port Authority also services Westmoreland County and they will indirectly benefit by this.

Senator ROCKS. Mr. President, I only rise for the second time to, hopefully, clarify a couple points that have been raised here. I said earlier this evening that maybe one of the

most important functions we have here is an exchange of ideas. Mass transit has always been in this Commonwealth and I am sure always will be a difficult issue to cope with. I would be the first to join with my suburban colleagues, the gentleman from Delaware, Senator Bell, and the gentleman from Montgomery, Senator Greenleaf, in any subsequent action that they might propose to better monitor what has been the concerns over the management of SEPTA. I would offer to both of them that I think the gravest difficulty with the concerns they have raised here tonight—and they have done that with some feeling and emotion—evidently is a governance problem. SEPTA bashing is a very easy thing to get into because you really have very little accountability. We created an authority in 1963 where two people from your county are appointed and two from my county are appointed and one from the Governor is appointed, where they are entirely reliant on the different levels of government for any funding they are going to get over and above the, hopefully, 50 percent magic break-even point at the fare box that comes from the ridership. But I think in saying that, and that commitment is very strong, I will join with anyone—the legislation has been in for me now for three consecutive terms—to look at that governance issue, and it should be examined. After we have looked at how that authority is governed, then we might really get down to the kinds of performance audits and management studies and improvements in service that I think you are looking for.

Point two in difficulty is highlighted by both the gentleman from Forest, Senator Peterson, and the gentleman from Westmoreland, Senator Kelley. I know genuinely there is no way to measure mass transportation as a service in this Commonwealth and equate it to population distribution. It is impossible to do that. If I were to do the same thing with the highway fund of this state, I would never cast a vote as a Philadelphian for highway funding. If I were to look at any one of your counties in this Commonwealth and break out that billion and one-half pot of dollars that are made up from the same liquid fuels tax that the people I represent in Philadelphia that ride SEPTA every day pay every time they pull into a gas station to fuel up their automobiles, it would be politically impossible for me to cast a vote for highway funding in this Commonwealth, but I have never viewed it that way nor do I think we can view mass transportation that way. Mass transportation is always going to be most viable in the most densely populated areas of this state, and where it is not densely populated and we are able to have some public transportation service—and those are those eighteen authorities beyond SEPTA and the Port Authority of Pittsburgh—they are supporting this proposal. They are very favorably inclined to the increase in dollars that this change in formula gives. Beyond that, I will be the first to sit with you in those rural areas where you will never see a bus—and I know that—and you will not have a trolley car and your people will not have to get on a subway or elevated line to get to work or home in the afternoon. But, some kind of van service might be available. It is important for us to take a look, particularly for constituencies that need

it, an elderly constituency, a handicapped constituency. We have done those things collaterally, but mass transportation is important to Philadelphia and its region. As a Philadelphian, I am going to tell you, having gone through this crisis, as angry as I was with that authority for what was properly described to you here tonight as the terrible charade that they pulled on the ridership of that region, the easiest thing for me to do would be to come up here and try to get you together to knock it apart, and it would have been a mistake in public policy. As a Philadelphian, I would be the first to fight to maintain those commuter rail lines that cost more money than anything else in that great multimodal system that we have down there, even when the bus breaks down and even when that Route 100 high speed line is so old that it is crashing through walls and our people we represent are faced with serious injury.

Mr. President, mass transportation is and will continue to be a difficult issue. It is a very difficult issue in a state that is as greatly diverse as ours. This change in this formula is the right public policy for this Commonwealth to put in the dollars that are needed. We are in this position for a couple of reasons. The federal government pulled out of the operating dollars on which we once relied upon. This state government and this sitting Administration brutally blue-lined some \$30 million that was in our capital budgets that were needed this very year. We are not here by just some happenstance. I join with you in all the criticism that SEPTA deserves, but some parts of it are working. Ridership is up and we are doing better at the fare box than any other transportation system in the nation is doing. Pittsburgh had their funding crisis, and it is still tough for them. All of those other authorities are here tonight joined with us to say this is the right direction, and I hope we realize that as we take the step and cast this vote.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

Senator SINGEL. Mr. President, I have listened and appreciated all of the comments of all of the speakers on this very important bill. I wanted to rise to add my voice in support of this particular formula for funding mass transportation throughout the state. The gentleman from Philadelphia, Senator Rocks, said some very kind things about my involvement and, in fact, about Governor-elect Casey's position with regard to this legislation.

I support this legislation, not only because I join in the effort to resolve some of the problems in our major urban areas, but also because this is a fair and equitable solution for transit authorities all over the state. I would point out, Mr. President, that, in fact, it is the outlying transit authorities that get the greatest percentage of increase under the formula derived in this legislation. The increases, for example, for the Berks Area Transit Authority would amount to some 55

percent over their present allocation. The increase for the Sharon Transportation Authority would be some 48 percent. The increase in Washington County would be 51 percent, contrasted to the increase for SEPTA which would be roughly 21 percent and for the Pittsburgh Transit Authority which would be 18 percent.

Mr. President, my feeling is that this legislation represents a positive compromise that is going to provide funding for transit authorities in a fair manner, and that is going to reverse a trend from deficit driven formulas to a new way of calculating eligibility for state funding that is based on mileage and performance at the fare box. This is a practical piece of legislation that has been developed over a period of many long months.

Mr. President, I would be remiss if I did not take a moment and thank the Pennsylvania Association of Transit Authorities, PATA, throughout the state for their tireless effort to forge a consensus among their own constituency and to come to the Legislature with this kind of practical package. I hope I am not being presumptuous also, Mr. President, when I say to those who have questions and those who have concerns about the equitability of this proposal to come to us. Let us talk, let us reason together. If, in fact, there is a feeling that this package underfunds the rural area, let us talk about it. I do not think that is the case. I think we can and should work together on this, and in January and in February when this issue is before us again, let us come to terms with our transit problems.

Senator LEWIS. Mr. President, the debate has been long and I rise not to try to add additional comments for the reasons to support this bill as I will. Rather, I want to observe that as the speakers before me have talked about the tasks that still need to be done in the future, I think they have only identified two of the three very broad categories of need that will loom ahead in the months as we begin next year.

Mr. President, I have listened carefully as my colleagues have talked about the need for dramatic improvements in corporate governance, and that is clearly a need. I have listened carefully as my colleagues have talked about the absence of measurement mechanisms for the delivery of service and the recognition that mass transit requires unique approaches and the commitment to try to find better ways to make those approaches meet the needs, not only for urban areas but suburban and rural areas, and there is a great deal to be done in that regard. Yet, I have not heard anyone speak to the point that the funding problem which we are so directly addressing this evening is really merely a matter of changing a formula, merely a matter of adding additional dollars at a time of crisis and, in fact, no solution at all to what will be a much greater problem in the long term. I think that the funding problems for mass transit, for SEPTA in particular, not only are going to continue even though we make these changes this evening, but they are going to get dramatically worse in the relatively near future. All one needs to do is to examine the dramatic decreases in federal funding and it will become painfully obvious that even with significant increased amounts of state

aid, such as we are doing here, the deficits will not be matched.

I say that, Mr. President, because the third dramatic challenge for us in the General Assembly, as we look toward 1987, is going to be to do much more than simply come up with a short-term fix, but to develop a long-term solution to the funding needs of mass transit, and that will require much more than simply additional state appropriated dollars.

We have heard the phraseology before. It usually takes the ring of dedicated mass transit revenue funding. Essentially, that tends to be a phrase that suggests the need for local effort, for broad-based local effort of a predictable nature. I submit, Mr. President, that as we move through corporate governance changes, as we move through improvements in delivery of service, we are going to find that all of those well-intentioned efforts will be frustrated if we do not, in fact, find a much more dramatic, a new method for providing the type of predictable guaranteed funding that our mass transit will require from a locally generated base. That is going to be the challenge that will really confront us in the early months of next year and one which we have to be prepared to meet if we are truly going to solve the long term mass transit problems.

Senator LOEPER. Mr. President, I will be very brief in my remarks relative to this bill. I think it is important we point out on the record that I also, along with many of my colleagues, have been critical of the operation and practices of many of the things that SEPTA management has done and, particularly and once again, this current funding crisis. However, it is my intention to cast an affirmative vote this evening for this legislation with the understanding that it is a \$30 million item to kick into effect after July 1, 1987. I took exception to the remarks that were attributed and quoted to the SEPTA chairman who indicated that this was a \$120 million bailout by the General Assembly over a period of the next four years. I would like the record to demonstrate clearly that it is my understanding that this is a \$30 million item that would take place only after July 1, 1987.

I also noted with interest the comments of some of the previous speakers, the Lieutenant Governor-elect and of his role, as well as the Governor-elect, in promoting this positive compromise. It would certainly be my view this evening, as this legislation passes the Senate, which I am sure it will, that those gentlemen exert the same kind of positive influence upon their colleagues in the House of Representatives to take up this matter in a timely fashion tomorrow so we can avert any type of crisis that may occur.

In closing, I would just simply say that I think we certainly have to have mass transit facilities and lines available to all our residents for critical services, and I call on my colleagues to support the legislation.

And the question recurring,
Shall the bill pass finally?

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

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

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

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

YEAS—40

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

NAYS—10

Armstrong	Kelley	Rhoades	Stapleton
Hess	Kratzer	Shaffer	Wilt
Jubelirer	Peterson		

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

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

LEGISLATIVE LEAVE

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 147 (Pr. No. 4195) — 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.

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

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

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

Considered the third time,

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

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

Amend Sec. 2, page 2, line 7, by striking out "'Blindness and visual services.'" and inserting: "Bureau" or "Bureau of Blindness and Visual Services."

Amend Sec. 2, page 2, line 21, by striking out "blindness and visual services" and inserting: the bureau

Amend Sec. 2, page 2, by inserting after line 30:

(3) Institutions of the Department of Corrections.

Amend Sec. 4, page 4, lines 2 and 3, by striking out "Blindness and visual services" and inserting: The bureau

Amend Sec. 4, page 4, line 20, by striking out "Blindness and visual services" and inserting: The bureau

Amend Sec. 5, page 5, line 7, by striking out "Blindness and visual services" and inserting: The bureau

Amend Sec. 5, page 5, line 15, by striking out "blindness and visual services" and inserting: the bureau

Amend Sec. 7, page 6, line 14, by striking out "Blindness and visual services" and inserting: The bureau

Amend Sec. 7, page 6, line 17, by striking out "Blindness and visual services" and inserting: The bureau

Amend Sec. 7, page 6, lines 25 and 26, by striking out "blindness and visual services" and inserting: the bureau

Amend Sec. 7, page 6, lines 26 and 27, by striking out "blindness and visual services" and inserting: the bureau

Amend Sec. 7, page 6, line 28, by striking out "Blindness and visual services" and inserting: The bureau

Amend Sec. 7, page 7, line 2, by striking out "blindness and visual services" and inserting: bureau's

Amend Sec. 7, page 7, line 3, by striking out "blindness and visual services" and inserting: the bureau

Amend Sec. 8, page 7, lines 19 and 20, by striking out "blindness and visual services" and inserting: the bureau

Amend Sec. 9, page 8, lines 9 and 10, by striking out "BLINDNESS AND VISUAL SERVICES" and inserting: the bureau

Amend Sec. 10, page 8, lines 14 and 15, by striking out "blindness and visual services" and inserting: the bureau

Amend Sec. 11, page 8, line 19, by striking out "immediately" and inserting: in 60 days.

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

Senator WILT. Mr. President, the amendment I offered precludes the blind from uprating services within prisons and institutions.

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

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 241 will go over in its order, as amended.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—1

Bell

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

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

BILLS OVER IN ORDER

SB 439 (Pr. No. 2563) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for consumer contracts; requiring plain language to be used in consumer contracts; and providing for damages and limitations thereon, for opinions, guidelines and injunctive relief.

Considered the third time,

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

Senator STAUFFER. Mr. President, I move that Senate Bill No. 439 be rereferred to the Committee on Appropriations.

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

Senator HANKINS. Mr. President, I oppose the motion to take it to referral. From my observation, I feel the agency regulators will have sufficient jurisdiction over the bill. The Attorney General will have the proper funding, and I feel that there should not be a necessity for it to go into the Committee on Appropriations. I request a vote against the bill going into the Committee on Appropriations. Mr. President, I object, and request a slow roll call.

And the question recurring,

Will the Senate agree to the motion?

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

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 Senator HANKINS and were as follows, viz:

YEAS—25

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

NAYS—25

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

Senator STAUFFER. Mr. President, I request that Senate Bill No. 439 go over in its order.

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

Senator STAUFFER. Mr. President, I move that Senate Bill No. 439 go over in its order.

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—26

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

NAYS—24

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

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

The PRESIDENT pro tempore. Senate Bill No. 439 will go over in its order.

HB 991 (Pr. No. 1128) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for penalties for damage to or theft of grave markers and flag holders.

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. 991 go over in its order.

Senator ZEMPRELLI. Mr. President, I object to House Bill No. 991 going over in its order.

Senator STAUFFER. Mr. President, I move that House Bill No. 991 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator ROMANELLI. Mr. President, I want to object to the bill going over.

The PRESIDENT pro tempore. It has already been objected to. There is a motion on the floor.

Senator ROMANELLI. Mr. President, I would ask for a negative vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—26

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

NAYS—24

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

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

The PRESIDENT pro tempore. House Bill No. 991 will go over in its order.

LEGISLATIVE LEAVE

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Lincoln is back on the floor. His leave is cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AMENDED

HB 1008 (Pr. No. 1151) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1985-1986.

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, line 1, by striking out all of said line and inserting:

Amending the act of January 5, 1952 (1951 P.L.1833, No.491), entitled, as reenacted and amended, "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act, as amended; creating the State Agency and conferring powers and imposing duties upon the State Agency; authorizing the State Agency to enter into agreements with the Federal Secretary of Health, Education and Welfare and with political subdivisions or instrumentalities thereof under certain terms and conditions; providing for the Commonwealth's contribution under agreements with the Federal Secretary of Health, Education and Welfare and for the collection and payment of employer and employe contributions; authorizing interstate cooperation in certain cases, creating a Contribution Fund; and making appropriations," further providing for the payment of funds into and out of the Contribution Fund.

Amend Bill, page 1, lines 4 through 17; page 2, lines 1 through 21, by striking out all of said lines on said pages and inserting:

Section 1. Sections 5, 6(c) and 7(b) and (c) of the act of January 5, 1952 (1951 P.L.1833, No.491), entitled, as reenacted and amended, "An act to provide for the coverage of certain officers and employes of the Commonwealth and its political subdivisions under the old-age and survivor insurance provisions of Title II of the Federal Social Security Act, as amended; creating the State Agency and conferring powers and imposing duties upon the State Agency; authorizing the State Agency to enter into agreements with the Federal Secretary of Health, Education and Welfare and with political subdivisions or instrumentalities thereof under certain terms and conditions; providing for the Commonwealth's contribution under agreements with the Federal Secretary of Health, Education and Welfare and for the collection and payment of employer and employe contributions; authorizing interstate cooperation in certain cases, creating a Contribution Fund; and making appropriations," reenacted and amended June 1, 1956 (1955 P.L.1973, No.662), are amended to read:

Section 5. Contributions by State Employees.—(a) Every employe of the Commonwealth, whose services are covered by an agreement entered into under section four, shall be required to pay for the period of such coverage, into the Contribution Fund established by section seven, or other restricted receipt account established for such purpose, contributions, with respect to wages (as defined in section two of this act), not in excess of the

amounts prescribed under the provisions of the Federal Insurance Contribution Act. The actual amount of the contributions to be made under the provisions of this paragraph shall be the amount necessary to carry out the provisions of this act and the agreement entered into in accordance therewith, which amounts shall, from time to time, be determined by the State Agency, subject to the limitations herein prescribed; each liability shall arise in consideration of the employes retention in the service of the Commonwealth, or his entry upon such service after the enactment of this act.

(b) The head of each department shall cause to be deducted on each and every pay-roll of an employe, for each and every pay-roll period subsequent to the effective date of an agreement entered into under this act, such percentum of the total amount of wages earnable by the employe in such pay-roll period required to satisfy the contribution imposed by clause (a) of this section, and shall certify to the Treasurer of the Commonwealth on account of each and every pay-roll of an employe a statement as voucher for the amounts to be deducted, but failure to make such deductions shall not relieve the employe from the liability for such contribution.

(b.1) The State Treasurer, on receipt from the heads of the department of the vouchers for deductions from the wages of employes provided for in clause (b) of this section, shall make such deductions and shall pay each of the amounts so deducted into the contribution fund established by section 7 of this act or such restricted receipt account as may be established for this purpose.

(b.2) The Treasurer or paying officer, on receipt from the heads of the departments of the vouchers for deductions from the wages of employes provided for in clause (b) of this section, shall make such deductions and shall pay each of the amounts so deducted into the contribution fund established by section 7 of this act or such restricted receipt account as may be established for this purpose.

(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments or refund, if adjustment is impracticable, shall be made without interest in such manner and at such times as the State Agency shall prescribe.

Section 6. Plans for coverage of Employes of Political Subdivisions.—***

(c) (1) Each political subdivision or instrumentality thereof as to which a plan has been approved under this section shall pay [into the Contribution Fund, with respect to wages (as defined in section two of this act), at such time or times as the State Agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the State Agency under section four] the established social security percentage at the prescribed time or times to the designated agent as required by the Federal Government.

(2) Each political subdivision or instrumentality thereof required to make payments under clause (1) of this subsection is authorized, in consideration of the employe's retention in or entry upon employment after enactment of this act, to impose upon each of its employes, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in section two of this act), not exceeding the amount of contributions by Commonwealth employes, as provided in subsection (a) of section five of this act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid [into the Contribution Fund in partial discharge of the liability of such political subdivision or instrumentality thereof under clause (1) of this subsection. Failure to deduct such contribution shall not relieve the employe or employer of liability therefor] as designated by the Federal Government.

Section 7. Contribution Fund.—***

(b) The Contribution Fund shall be established and held separate and apart from any other funds or moneys of the Commonwealth, and shall be used and administered exclusively for the purpose of this act. Withdrawals from such fund shall be made for and solely for payment of amounts required to be paid to the Federal Agency pursuant to an agreement entered into under section four, payment of refunds provided for in section five (c) of this act, and refunds of overpayments, not otherwise adjustable, made by a political subdivision. Withdrawals may also be made for the payment to school entities of the Commonwealth's portion of the employer's liability for covered employees.

(c) From the Contribution Fund the State Treasurer, upon warrant of the State Agency, shall pay to the Federal Agency such amounts and at such time or times as may be directed by the State Agency, in accordance with any agreement entered into under section four and the Social Security Act. The State Treasurer is also authorized to make payments to school entities from the Contribution Fund on warrant of the Department of Education for the Commonwealth's portion of the employer's liability for covered employees.

Section 2. 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.

BILL RECOMMITTED

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.

Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Consumer Protection and Professional Licensure.

BILL OVER IN ORDER

SB 1520 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER TEMPORARILY

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

AMENDMENT OFFERED

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

Amend Bill, page 3, line 1, by striking out all of said line and inserting:

Section 3. The authority contained in clauses 4 and 5 of section 2531 to increase the tax rate beyond 25 mills shall expire on December 31, 1987. Any city subject to this act that desires to increase the millage on property for general revenue purposes after December 31, 1987, above 25 mills shall do so only after obtaining court approval in compliance with clause 5 of section 2531.

Section 4. This act shall take effect as follows:

(1) Section 1 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. 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 ZEMPRELLI. Mr. President, it was the understanding of the Democratic caucus that the amendment which would be proposed by the gentleman from Centre, Senator Corman, was somewhat different than that which we have received. I would ask the gentleman if the millage is extended by one year to December 31, 1987, from 25 mills to an additional millage, what would that additional millage be?

Senator CORMAN. Mr. President, I believe the bill currently provides that third class cities may increase their millage five additional mills. The amendment I am offering, Mr. President, says that is for one year only and at the end of that year if their intention is to continue their real estate millage at that level, they must receive permission of the court.

Senator ZEMPRELLI. Mr. President, I would hope that we could go at ease because this amendment does not so provide, and we understood that was what the gentleman's amendment was.

Senator CORMAN. Mr. President, let us examine the amendment.

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

(The Senate was at ease.)

AMENDMENT WITHDRAWN

Senator CORMAN. Mr. President, I would like to withdraw the amendment for the moment and ask that the bill go over temporarily.

The PRESIDENT pro tempore. Senator Corman withdraws the amendment. Without objection, House Bill No. 1527 will go over temporarily in its order.

BILL OVER IN ORDER

SB 1548 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 8, by removing the period after "PLANS" and inserting: ; and providing for the establishment of an Emergency Bond Fund for anthracite deep mine operators.

Amend Bill, page 2, by inserting between lines 27 and 28:

Section 1. The title of the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, amended November 30, 1971 (P.L.554, No.149), is amended to read:

AN ACT

Providing for the conservation and improvement of land affected in connection with surface mining; regulating such mining; providing for the establishment of an Emergency Bond Fund for anthracite deep mine operators; and providing penalties.

Amend Sec. 1, page 2, line 28, by striking out "1" and inserting: 2

Amend Sec. 1, page 2, lines 28 through 30, by striking out "OF MAY 31, 1945" in line 28, all of line 29 and "RECLAMATION ACT" in line 30

Amend Bill, page 5, by inserting between lines 26 and 27:

Section 3. The act is amended by adding a section to read:

Section 4.7. Anthracite Deep Mine Operators Emergency Bond Fund.—(a) Within thirty days of the effective date of this section, the department shall establish an Emergency Bond Fund for the purpose of reclaiming any anthracite deep mined lands which may be abandoned after the effective date of this section and on which the bond required by law and established by regulation has not been posted due to circumstances set forth in subsection (d).

(b) The department shall collect from the following classes of licensed anthracite deep mine operators a fee of 25¢ for each ton of coal extracted from mining operations for which the required bond has not been posted due to the circumstances set forth in subsection (d):

(1) Licensed anthracite deep mine operators who submit to the department three letters of rejection from three separate bonding companies licensed to do business in this Commonwealth, stating that the operator has been denied a bond and the grounds for rejection.

(2) Licensed anthracite deep mine operators whose bonds are canceled due to the insolvency or bankruptcy of any insurance company or surety company licensed to do business in this Commonwealth.

(c) Deposit of fees.—The department shall deposit appropriations and the moneys collected into the Emergency Bond Fund. The department may establish such recordkeeping and reporting requirements as may be necessary for the purpose of implementing this section. Each operator affected by this section shall remit the fees to the department within forty-five days following the sale of the tonnage on which the fee has been levied. The collection and deposit of the fees shall continue until the fund has reached a level that equals the number of acres for which no bond has been posted multiplied by the per-acre bonding requirement as established by rules and regulations of the department.

(d) If the bonds of any anthracite deep mine operator are canceled due to the insolvency or bankruptcy of any insurance company or surety company authorized to do business in this

Commonwealth, and if replacement bonds from any other company are unavailable to the operator, even though the operator possesses sufficient financial resources to otherwise qualify for a bond, or if the operator has received the letters of rejection provided for in subsection (b), the operator shall so notify the departmental in writing. Notice to the department in the case of an operator who has received the letters of rejection provided for in subsection (b) shall contain the letters of rejection and such other information as the Environmental Quality Board may, by regulation, prescribe. In lieu of a bond, the operator's reclamation obligation for each site for which a permit has been applied shall be secured by the Emergency Bond Fund provided for in subsection (a) until such time as the site has been reclaimed or until an original or replacement bond, as the case may be, has been obtained by the operator: Provided, however, That no permit shall be issued under this subsection unless the operator has filed with the department a minimum payment of one thousand dollars (\$1,000) toward the bond obligation and borrowed the remaining balances from the Emergency Bond Fund to cover the bond amounts for the entire permit area, as required by law. At such time as the operator has satisfied a reclamation obligation secured by the fund provided for in section 1, the department shall release to the operator the fees collected, in whole or in part, according to the bond release schedule provided for by regulation. Any operator whose bond obligation is met by this section and whose permit application has been approved shall, throughout the term of the permit, undertake all reasonable actions to obtain an original or replacement bond, as the case may be, for said site.

(e) The Environmental Quality Board may adopt regulations which require the operator to demonstrate, from time to time, that he has made such reasonable attempts to obtain an original or replacement bond.

(f) In collecting the fees provided for and in securing reclamation obligations, the department shall maintain a separate record for each operator. The fees paid by an operator may be used only to secure the reclamation obligations of the operator.

(g) The sum of fifty thousand dollars (\$50,000) is hereby appropriated to the department for immediate deposit into the Emergency Bond Fund to provide the necessary funds for loans to qualified anthracite deep mine operators to provide the required bonds to obtain mining permits.

Amend Sec. 2, page 5, line 27, by striking out "2" and inserting: 4

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, this would establish an anthracite deep mine operators emergency bond fund. Primarily, each operator would supply \$1,000 plus twenty-five cents a ton to handle the cost of reclamation for their project. Part of our operators have had difficulty obtaining their bonding. They have to prove they have been unable through three letters of rejection along with meeting the licensing requirements of the Department of Environmental Resources. What this would be is an assistance. These are small family operations of fathers and brothers, sons and uncles who operate the deep mines in the anthracite area.

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—47

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

NAYS—3

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

The PRESIDENT pro tempore. House Bill No. 1642 will go over in its order, as amended.

BILLS OVER IN ORDER

SB 1652 and HB 1728 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

HB 1937 (Pr. No. 4191) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for the imposition of taxes on earned income by school districts which eliminate certain other taxes; providing for the imposition of taxes on earned income by school districts which eliminate real property taxes; authorizing the State System of Higher Education to enter into contracts for maintenance projects to repair buildings and other facilities; increasing reimbursement for school building construction; and making editorial changes.

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. 1937 go over in its order.

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

Senator STAUFFER. Mr. President, I move that House Bill No. 1937 go over in its order.

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—27

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

NAYS—23

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

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

The PRESIDENT pro tempore. House Bill No. 1937 will go over in its order.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2099 (Pr. No. 4188) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Energy Conservation and Assistance Act," approved July 10, 1986 (P. L. 1398, No. 122), further providing for a limited grant program; and making an appropriation to the Department of Environmental Resources.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 2274 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2474 (Pr. No. 4190) — 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 multiple convictions for inchoate crimes, for aggravated assault, for juvenile records and for the unlawful use of computers; and prohibiting the retention of certain military equipment.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

HB 2556 (Pr. No. 4192) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a Rural Economic Development Program for rural Pennsylvania; making appropriations; 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—50

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

Hankins	Loeper	Ross	Wilt
Helfrick	Lynch	Salvatore	Zemprelli
Hess	Madigan		

NAYS—0

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

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

MEETING OF COMMITTEE ON APPROPRIATIONS

Senator STAUFFER. Mr. President, the Committee on Appropriations has permission for a very brief meeting off the floor. I would suggest that we permit that meeting to take place at this time. If none of the Members object, we could go on with the second reading bills as a time saver and then we would have the Supplemental Calendar to return to as well as House Bill No. 1306, the Liquor Control Board issue. This is a recessed meeting of the Committee on Appropriations.

The PRESIDENT pro tempore. On behalf of Senator Tilghman, Senator Stauffer requests that all Members of the Committee on Appropriations report forthwith to the Rules Committee room at the rear of the Senate Chamber for a recessed meeting of the Committee on Appropriations. Without objection, we will continue with the second reading bills and the resolution in order to move the process.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AMENDED

HB 1474 (Pr. No. 4100) — 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 payment of gratuities to children of certain veterans; and providing for alternate security for performance of contracts.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 21, by striking out "AND"

Amend Title, page 1, line 23, by removing the period after "CONTRACTS" and inserting: ; and further providing for the sale of certain unimproved land by the Department of Transportation.

Amend Bill, page 3, by inserting between lines 28 and 29:

Section 2. Section 2003(e)(7) of the act, amended December 7, 1979 (P.L.478, No.100), is amended to read:

Section 2003. Machinery, Equipment, Lands and Buildings.—The Department of Transportation in accord with appro-

priations made by the General Assembly, and grants of funds from Federal, State, regional, local or private agencies, shall have the power, and its duty shall be:

(e) ***

(7) Any other provisions of this act to the contrary notwithstanding, the department may sell at public sale any land acquired by the department if the secretary determines that the land is not needed for present or future transportation purposes:

(i) Improved land occupied by a tenant of the department shall first be offered to the tenant at its fair market value as determined by the department, except that if the tenant is the person from whom the department acquired the land, it shall be offered to the tenant at the acquisition price, less costs, expenses and reasonable attorneys' fees incurred by the person as a result of the acquisition of the land by the department. If there is no tenant and the person from whom the department acquired the land did not receive a replacement housing payment under section 602-A of the "Eminent Domain Code," or under former section 304.3 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law," the land to be sold shall first be offered to such person at the acquisition price, less costs, expenses and reasonable attorneys' fees incurred by the person as a result of the acquisition of the land by the department.

(ii) Unimproved land shall first be offered to the person from whom it was acquired at its acquisition price, less costs, expenses and reasonable attorneys' fees incurred by the person as a result of the acquisition of the land by the department, if the person still retains title to land abutting the land to be sold. If the land abutting the land to be sold has been conveyed to another person, the land to be sold shall first be offered to that person at its fair market value as determined by the department. However, land acquired by gift that the secretary determines is not needed for present or future transportation purposes may first be offered to the donor for a nominal consideration. If the donor no longer exists, or if the donor does not accept the offer, then such unimproved land or any portion thereof may be offered on a competitive bid basis restricted to owners of land abutting the unimproved donated land. The department shall have discretion to divide such donated unimproved land for separate competitive bid offerings.

(iii) Notice of the offer described in either subclause (i) or (ii) shall be sent by certified mail, or, if notice cannot be so made, in the manner required for "in rem" proceedings. The offeree shall have one hundred twenty (120) days after receipt of notice to accept the offer in writing.

(iv) Revenue from any sale of land acquired with motor license funds shall be deposited in the Motor License Fund.

Amend Sec. 2, page 3, line 29, by striking out "2" and inserting: 3

Amend Sec. 3, page 5, line 3, by striking out "3" and inserting: 4

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 1538 (Pr. No. 1928) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the 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.

Considered the second time and agreed to,

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

SB 1545 (Pr. No. 2182) — The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

BILL OVER IN ORDER TEMPORARILY

HB 2697 (Pr. No. 4101) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), known as "The Clean Streams Law," adding definitions; and further providing for municipal sewage.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER. Mr. President, I request that House Bill No. 2697 go over in its order.

Senator LINCOLN. Mr. President, I would object to House Bill No. 2697 going over in its order.

Senator STAUFFER. Mr. President, I move that House Bill No. 2697 go over in its order.

The PRESIDENT pro tempore. We might want to take that over temporarily since there is half of the Senate out of here. Do you have any objection to that until we can get everybody back, Senator Lincoln?

Senator STAUFFER. Mr. President, I would suggest that we do that until the Committee on Appropriations meeting is over.

Senator LINCOLN. Mr. President, I would have no objection to voting anybody.

The PRESIDENT pro tempore. Without objection, House Bill No. 2697 will go over temporarily in its order pending the conclusion of the meeting of the Committee on Appropriations at which time Senator Stauffer will move the bill over and we will have a roll call vote.

HOUSE CONCURRENT RESOLUTION NO. 348, CALLED UP

Senator STAUFFER, without objection, called up from page 11 of the Calendar, **House Concurrent Resolution No. 348**, entitled:

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

On the question,

Will the Senate concur in the resolution?

Senator STAUFFER offered the following amendment:

Amend First Resolve Clause, page 2, lines 11 and 12, by striking out "House of Representatives" and inserting: General Assembly

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate concur in the resolution, as amended?

**SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 348, AS AMENDED**

Senator STAUFFER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 348, as amended.

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

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

DISAPPROVAL OF REGULATIONS

Senator BELL, by unanimous consent, from the Committee on Consumer Protection and Professional Licensure, reported the following action was taken on regulations and the Independent Regulatory Review Commission was advised as follows:

PUC Regulation 840403, opposed and the Independent Regulatory Review Commission notified, with comments;

PUC Regulation 860020, no position taken and the Independent Regulatory Review Commission notified, with comments; and

State Board of Medicine and State Board of Osteopathic Medicine, Regulation 16A-157, opposed and the Independent Regulatory Review Commission notified, with comments.

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

Senator GREENLEAF, by unanimous consent, submitted the Report of Committee of Conference on **HB 1160**, which was laid on the table.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator STAUFFER, by unanimous consent, submitted the Report of Committee of Conference on **SB 483**, which was placed on the Calendar.

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

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

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

November 24, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 6, 1986 for the reappointment of William A. Schmidt, 201 Country Club Lane, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years, and until his successor is appointed and qualified.

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

DICK THORNBURGH.

HOUSE MESSAGES

**HOUSE ADOPTS REPORTS OF COMMITTEES
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **HB 35** and **1921**, which were placed on the Calendar.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 380, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 380**, and has appointed Messrs. MANDERINO, PIEVSKY and RYAN as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 734**, **1140** and **1514**, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1125**, **1373** and **1484**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS SIGNED

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

SB 377, 734, 1140, 1412, 1450, 1482, 1514, HB 284, 749, 934, 936, 1147, 1148, 1149, 2308, 2656 and 2734.

The PRESIDING OFFICER (J. Barry Stout) in the Chair.

CONSIDERATION OF CALENDAR RESUMED

HB 2697 CALLED UP

HB 2697 (Pr. No. 4101) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 11 of the Second Consideration Calendar, by Senator STAUFFER.

BILL OVER IN ORDER

HB 2697 (Pr. No. 4101) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), known as "The Clean Streams Law," adding definitions; and further providing for municipal sewage.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER. Mr. President, I request that House Bill No. 2697 go over in its order.

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

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

Senator STAUFFER. Mr. President, I move that House Bill No. 2697 go over in its order.

On the question,

Will the Senate agree to the motion?

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

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

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

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

YEAS—25

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

NAYS—24

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

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

The PRESIDENT pro tempore. House Bill No. 2697 will go over in its order.

SUPPLEMENTAL CALENDAR NO. 1

HB 942 CALLED UP OUT OF ORDER

HB 942 (Pr. No. 4199) — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 942 (Pr. No. 4199) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for medical assistance payments; further providing for the powers and duties of the Department of Community Affairs; further providing for the sale of certain unimproved land by the Department of Transportation; providing for grants and loans to certain municipalities; and making an appropriation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

The PRESIDENT pro tempore. Senator Stauffer, the Chair has ruled that we cannot give third consideration to this bill without a suspension of the Rules.

MOTION TO SUSPEND RULES

Senator STAUFFER. Mr. President, I move that Rule XIV, Section 16(b) be suspended in order that House Bill No. 942 may be considered at this time.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVE

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

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

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—26

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

NAYS—23

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

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

The PRESIDENT pro tempore. Senate Rule XIV, Section 16(b) is suspended.

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, under the Rules of the Senate, any bill that has an appropriation must go to the Committee on Appropriations prior to final passage to have a fiscal note attached. I would suggest that there is no question that this bill in its present form would call for that particular action to take place.

The PRESIDENT pro tempore. Is the gentleman asking for some kind of a ruling or is that debate?

MOTION TO REREFER

Senator LINCOLN. Mr. President, I am aware of the fact that we did suspend the Rules to circumvent that particular action, but I still think that we should, and I make a motion that this bill be rereferred to the Committee on Appropriations.

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

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

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

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

YEAS—24

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

NAYS—26

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

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

And the question recurring,
Shall the bill pass finally?

MOTION TO REVERT TO PRIOR
PRINTER'S NUMBER

Senator BODACK. Mr. President, I make a motion that we revert to prior Printer's No. 2213.

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

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

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

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

YEAS—24

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

NAYS—26

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

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

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, will the gentleman from Forest, Senator Peterson, submit to a short interrogation?

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

Senator PETERSON. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, it appears, from reading the amendment, that the Senator presented successfully that the accommodation for the program would only apply to one municipality. Is that a correct assumption?

Senator PETERSON. Mr. President, that is not correct.

Senator ZEMPRELLI. Mr. President, how many municipalities would be benefitted by this program?

Senator PETERSON. Mr. President, I am not sure of how many communities across the Commonwealth. Any community in Pennsylvania that had a flood during the month of July which was not covered under a federal disaster declaration and has a population of 4,000 or less.

Senator ZEMPRELLI. Does the gentleman, Mr. President, know of any communities, other than the one in his district, that are so affected?

Senator PETERSON. Mr. President, there are eight or ten municipalities in my district, and I think there are several other counties that had floods. I did not have a chance to check their communities out, but there is a potential of several other counties having floods also.

Senator ZEMPRELLI. Mr. President, the gentleman knows of eight or ten that are in his district, but is not certain about others in other counties. Is that correct?

Senator PETERSON. Yes, Mr. President. I was told there was a flood in Lancaster County that was under the same time span.

Senator ZEMPRELLI. I did not hear the gentleman, Mr. President. Which county?

Senator PETERSON. Lancaster, Mr. President.

Senator ZEMPRELLI. Mr. President, does the gentleman know the names of the municipalities?

Senator PETERSON. Not in Lancaster, Mr. President, but I do know that in Warren County there are. Do you want the list?

Senator ZEMPRELLI. Mr. President, I would love to have the list.

Senator PETERSON. Mr. President, a potential applicant for this grant would be Mount Joy in Lancaster County, Bear Lake Borough in Warren County, Sugargrove Borough in Warren County, Brokenstraw Borough in Warren County, Columbus Township in Warren County, Farmington Township in Warren County, and Freehold Township. To give you some statistics to go along with it, this township has a \$60,000 annual road budget and had \$812,000 in losses; that is one of the more extreme ones. There is also Pine Grove Township in Warren County and Pittsfield Township. Sugargrove Township has a budget of \$158,000 annually and had a loss of \$1,271,800, including four bridges.

Senator ZEMPRELLI. Mr. President, is there some special significance for cutting the program off for municipalities under 4,000?

Senator PETERSON. Mr. President, that is because these small rural municipalities historically have seldom come under the national disaster declaration unless they were close to an urban area that had a similar problem and have historically or oftentimes not been served. This year this area was hit with two major storms in the month of July and several of the townships will never recover without help.

Senator ZEMPRELLI. Mr. President, other than historically, is there some rule or regulation which would preclude federal aid because of a municipality under 4,000 population that the gentleman would know of?

Senator PETERSON. Mr. President, the federal aid program, as I understand it, deals much more with individual loss and business loss. You have to have so many businesses that have an uninsured loss of a certain amount. It is a complicated formula and small rural areas seldom qualify.

Senator ZEMPRELLI. The question, Mr. President, is, in fact, does the 4,000 population have any regulatory significance other than a historical significance?

Senator PETERSON. No, Mr. President.

Senator ZEMPRELLI. Mr. President, I think what has been pointed out is that, although there is a great deal of empathy for the gentleman's situation in the municipalities that he represents, I think the reaction here is that there are many municipalities in our districts, such as the Borough of Elizabeth, which would qualify under certain circumstances, that was hit probably percentage-wise greater than the point that you make with respect to the budget as compared to the damage that is involved. I am sure that in many parts of Washington County the same thing has prevailed. It appears as though this is a bill for special consideration and special concern. I believe for that reason it has inherent unfairness to it, albeit that the purpose is a good one, it is still nonetheless unfair. It places a great many of us at a disadvantage because we are, in fact, precluded from the benefits that you seek here for special circumstances involving your district, and I will be voting against it for that reason.

Senator STOUT. Mr. President, House Bill No. 942, as amended by the Peterson amendment, is the creation of a new program of providing \$1.5 million worth of aid to certain municipalities. It is limited to only those municipalities that suffered in a flood of July 1986. It leaves out those communities throughout Pennsylvania in Lackawanna County and Luzerne County which Hurricane Gloria damaged in September 1985 and the western Pennsylvania counties of Allegheny, Washington, Westmoreland, Greene and Fayette in November 1985. It leaves out Bedford County, Blair County and Somerset County of the previous flood. It also leaves out those areas in Allegheny County of May 1986. It just zeroes in on July of 1986. This is grossly unfair. It would create a new program. The gentleman says that these communities were not declared disaster areas. Well, I would ask that gentleman why the Governor of this Commonwealth did not request the President to declare those areas a disaster area and qualify for those various federal programs? This is really a slap in the face to all those districts that have suffered hurricanes and floods on four or five other occasions to be left out of this program.

As I stated to you earlier, when we debated the amendment, that if there is money left the municipalities will get money out of the current flood relief program once that is determined, but this amendment has certain dates guaranteeing the payments by May of 1987. For your information, we have thousands of people in Pennsylvania who lost property in May of 1985, September 1985 and November 1985 and that is over a year ago and they have not received one cent of state money. Yet, this bill, if it passes, would guarantee that these

people covered by these municipalities would get money guaranteed in May of 1987. It is grossly unfair and I recommend a "no" vote against House Bill No. 942 as amended.

Senator MELLOW. Mr. President, I desire to interrogate the sponsor of the amendment, the gentleman from Forest, Senator Peterson.

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

Senator PETERSON. I will, Mr. President.

Senator MELLOW. Mr. President, as I read the bill on page 5, starting on line 21, this particular segment of the bill deals only with damage by flooding in July of 1986. Can the gentleman share with us exactly what that definition means, what is defined by the flooding of July of 1986?

Senator PETERSON. Mr. President, it would be my interpretation that any flood in the Commonwealth that had municipal damage to their water, sewer, highways or bridges in the month of July of 1986 would qualify under this grant program.

Senator MELLOW. Mr. President, what happens where there was a heavy rainstorm that took place in some part of Pennsylvania other than the areas designated or at least the areas that would be anticipated for funding through the amendment of the gentleman from Forest, Senator Peterson? What happens if there were other areas of Pennsylvania where there was flooding on that particular date in the month of July, and how would they qualify for reimbursement under this proposal?

Senator PETERSON. Mr. President, my suggestion would be to develop a similar program and then attempt to pass it.

Senator MELLOW. Mr. President, I am referring to only this program.

Senator PETERSON. Mr. President, I did not hear the gentleman's question, then.

Senator MELLOW. Mr. President, I will start all over. My concern, obviously, was expressed earlier when the amendment was offered, but in reading the bill in final form, on page 5 in the bill it talks about the flooding in July of 1986. Is that funding or is that reimbursement limited to any one particular area and who designates what the flooding actually was of July of 1986?

Senator PETERSON. Mr. President, it would be my interpretation that any community that can prove they had a loss due to flooding in that period of time would qualify to apply for the grant program.

Senator MELLOW. Mr. President, there is no definition here of the July of 1986 flood. Is the gentleman telling us that any flood that would have taken place in any one of the sixty-seven counties or the municipality that was flooded or suffered some damage and had 4,000 people or less, that they would qualify for reimbursement under this particular piece of legislation?

Senator PETERSON. Yes, Mr. President.

Senator MELLOW. Mr. President, does the gentleman have any idea how many municipalities we would be talking about statewide that may have received substantial rainfall in July of 1986?

Senator PETERSON. Mr. President, I do not overall. No, I do not.

Senator MELLOW. Mr. President, I am not going to prolong the debate. I guess we could talk about this for quite a while. The unfortunate thing, Mr. President, is there are a number of us here who, I guess, have very similar problems that the gentleman from Forest, Senator Peterson, has and they have very legitimate documented losses that our municipalities and our people have suffered from 1985. This Administration has failed miserably in trying to help those people. We are not here taking a position against what the gentleman from Forest, Senator Peterson, is trying to do for his constituents, Mr. President, we are basically here trying to articulate the position which we would like to do and work in cooperation with the gentleman to help our constituents.

Senator PETERSON. Mr. President, I hope in the future that the Commonwealth does have a state aid program for not only floods but tornadoes, or whatever kind of emergencies that helps communities become whole again when they have these kinds of problems. I do not personally think the federal program works effectively on behalf of communities. I think the most important thing the state should do when we have these kinds of problems is to make communities whole and make sure the public infrastructure is in place so that people within the community can travel to work and companies can go on doing business and the economy can come back to life again after these kinds of problems. I think the first situation should always be to make the community whole, and then if you have other funds, work on helping businesses or individuals, but I think the first priority should always be the infrastructure of the community, and I would be glad to work with anyone in developing a state program to do that in a fair way.

Senator MELLOW. I have a final remark. We have done exactly what the gentleman is referring to. This General Assembly has appropriated some \$7 million to bring that about and this Administration has failed miserably in the implementation of a program to guarantee that.

Senator BODACK. Mr. President, I rise to oppose House Bill No. 942 in its present form, and I would like to make a comment on the previous gentleman's statements. I think it is very honorable and I do not think there is a Senator in this Chamber who does not share those feelings about their own constituents as well as the constituents of the gentleman from Forest, Senator Peterson. That is why I am shocked, Mr. President, that when this amendment was being drawn up—and I am sure presented to the Republican caucus—that my good friend and my colleague from Allegheny, Senator Pecora, did not see to it that it included the flood of May of 1986. His area was also devastated, as was a large portion of the Thirty-eighth Senatorial District, which is mine. It is for those reasons that I oppose this. We did put in a piece of legislation to attempt to address our problem. It has still not been acted on by the Commonwealth and, Mr. President, I think it is appalling that when the pigs come to the trough, that certain pigs eat better than the rest of the pigs.

And the question recurring,
Shall the bill pass finally?

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

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.

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

YEAS—29

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

NAYS—21

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

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

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

RECONSIDERATION OF HB 942

BILL ON FINAL PASSAGE

Senator LINCOLN. Mr. President, I move the Senate do now reconsider the vote by which House Bill No. 942, Printer's No. 4199, just passed finally.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 1527 CALLED UP

HB 1527 (Pr. No. 4173) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 8 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Bill, page 3, line 1, by striking out all of said line and inserting:

Section 3. The authority contained in clauses 4 and 5 of section 2531 of this act to increase the tax rate beyond 25 mills shall be limited to the tax rate imposed for the period from January 1, 1987, to December 31, 1987. Any city subject to this act that desires to increase the millage on property for general revenue purposes after December 31, 1987, above 25 mills shall do so only after obtaining court approval in compliance with clause 5 of section 2531.

Section 4. This act shall take effect as follows:

- (1) Section 1 of this act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1306 CALLED UP

HB 1306 (Pr. No. 4183) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

HB 1306 (Pr. No. 4183) — The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, lines 1 through 28, by striking out all of said lines and inserting:

Continuing existence of the Pennsylvania Liquor Control Board scheduled for termination under Sunset Act.

Amend Bill, page 10, lines 15 through 30; pages 11 through 122, lines 1 through 30; page 123, lines 1 through 27, by striking out all of said lines on said pages and inserting:

Section 1. Reestablishment of Pennsylvania Liquor Control Board.

This act, with respect to the Pennsylvania Liquor Control Board, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 2. Membership.

The presently confirmed members of the Pennsylvania Liquor Control Board as of the effective date of this act shall continue to serve as board members until December 31, 1988, or until their present terms expire, whichever occurs first. A present board member whose term expires on or before the effective date of this act shall serve until a successor is appointed, qualified and confirmed.

Section 3. Rules and regulations.

Each rule and regulation of the Pennsylvania Liquor Control Board in effect on the effective date of this act shall remain in effect until repealed or amended by the board.

Section 4. Sunset provision.

This act shall expire December 31, 1988.

Section 5. Effective date.

This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator PECORA. Mr. President, this amendment really guts the present legislation, House Bill No. 1306, and extends the present system for two years.

Senator SCANLON. Mr. President, I urge all the Members on our side of the aisle to accept the amendment and vote in the affirmative.

Senator SHUMAKER. Mr. President, I rise to ask that we do not vote for this amendment, because the effect would be to return to status quo that which we have worked for the past two years to make recommendations to change. I think there are very few people who are in the Senate that in one form or degree do not want to see some change in the present system. We were asked to come up with a compromise bill to recommend to this Body for consideration. The bill that was reported out on Friday from the Committee on Law and

Justice does not divest the system of its stores, the bill does not eliminate the board, and the bill does not eliminate the 3,500 employees who are currently employed by the Pennsylvania Liquor Control Board.

POINT OF ORDER

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

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

Senator SCANLON. Mr. President, I think the issue before the Senate is an amendment and not the bill. I would ask that you caution the gentleman to limit his debate to the amendment rather than the bill.

The PRESIDENT pro tempore. I know the hour grows late. The gentleman, I think, makes a point, however. What the Pecora amendment does is it actually guts the bill. I think there is some room, which the Chair will allow, for the gentleman to state what is being ripped out and being replaced by the amendment. I think that is fair game in this kind of debate, considering the magnitude of the issue and the ramifications thereof, so the gentleman may continue.

Senator SHUMAKER. Mr. President, this bill, in effect, is exactly what it says. It is a compromise. It is far less than what the Governor wanted. It is a step further than what a lot of people here may have wanted. But it is exactly that, a compromise. Why a compromise? If we fail to enact this legislation, there is going to be chaos. We are going to have 3,500 employees wondering if they are going to have jobs. There are going to be questions of whether you can or cannot divest the present liquor stores. There is possible lawsuit after lawsuit. We are already involved in one right now—the Chair is shaking his head—and this lawsuit is now on appeal. I see at least two or three more down the way if we do not come up with a compromise that will not be vetoed and will give some certainty to the situation which now is next to chaotic. I would like to point out that what this bill recommends is the transfer of—

POINT OF ORDER

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

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

Senator SCANLON. Mr. President, I think once again the gentleman from Dauphin is diverting and talking about the bill.

The PRESIDENT pro tempore. The bill has been gutted. It is the same answer, Senator Scanlon, the bill has been gutted. The Senator, I believe, should have the latitude to discuss what the amendment is replacing and his reason for opposing the amendment. I think that is highly appropriate, and the Chair would rule that the gentleman is in order. It deletes as well as adds.

Senator SHUMAKER. Mr. President, I will go back again. The bill in the first place transfers the law enforcement of the PLCB to the Attorney General, the same as in Senate Bill No.

964 which this Body adopted. It says that we will have majority confirmation. It says that we will have a term come to the end and a person cannot continue beyond their term. These were all the features of a bill that we passed, sent to the House, was gutted and sent back to us, a bill which, I think, all but about four of the people in this Body agreed to. What is different in this bill is what is being done in an attempt to avoid a veto and the chaos of vetoing a resolution, a chaos of having a gubernatorial executive order issued which, in effect, would divest the system and put the stores up for sale and the employees on the streets, put law enforcement into the Attorney General and put licensing into the Secretary of Revenue. We are trying to avoid that and the uncertainty that comes with it. That is why I am asking you to vote against this amendment and to give us a chance to bring before this Body a reasonable compromise, and it is exactly that. It is far more than the Governor has said he would not accept, but I think he will accept this, and it is far less than what a lot of other people want. Therefore, I implore you to vote for this as a compromise and avoid the pending chaos. Vote for the bill and against the amendment.

Senator SCANLON. Mr. President, I find it quite humorous to refer to a document such as this as a compromise. As I understand the gentleman from Dauphin, we are trying to avoid a veto. As I understand that, the front office is saying, "Either you accept this or I am going to veto whatever you do." That is what I call a northside compromise. That is putting the gun to our heads and saying take it or leave it. We are opting to leave it. I think if we extend the life of this agency for two more years, with a more reasonable Governor we will be able to work this out. For that reason, I urge this amendment be voted on in the affirmative.

Senator ZEMPRELLI. Mr. President, I have heard some very interesting observations and it is almost ludicrous at this time, because I do not think there is anybody in this Body who can deny that the front office has been in a posture of divestment, period. For the first time we hear an argument about compromise which is at the last moment. That is the first time I have heard anything that amounts to compromise, because I recall the gentleman from Lackawanna, Senator Mellow, and myself putting before this Body what we considered to be reasonable reforms to the system, which were rejected because it was a total divestment that was only of any interest to those in the front office. The gentleman from Allegheny, Senator Scanlon, was very generous in his remarks to believe that this Administration will accept the bill that is before us without the amendment of the gentleman from Allegheny, Senator Pecora. It has come to my knowledge that the discussions with the front office—and I have to say not through me being privy to those conversations, but from information I believe to be reliable—is that the Governor is not in concert with the provisions with respect to the sale of wine and that he does not want to restrict the sale of wine coolers to distributors, but would extend the sale of wines in many, many areas and also include aggressive sales by establishing other agencies by which wines can be sold.

On the other side of the coin, Mr. President, is the chaos that develops on December 31, 1986 in the event we do not do something. Additionally, we have a Governor-elect who has made, as part of his campaign and has reiterated the proposition on many occasions, that he has a total commitment to reform of the liquor system as we now know it. We embrace him and encourage him in that direction, because it has never been the posture of the Democratic caucus of this Body to be a standoff as to the proposition of total divestment. We have offered what we considered to be reasonable reforms in moving the system in a proper direction. It is not a matter of first initiative. We have discussed this interest back and forth. But what the amendment offered by the gentleman from Allegheny, Senator Pecora, does is give us an opportunity to work this matter out, as the gentleman from Dauphin, Senator Shumaker, suggests, with the reforms that have been committed by the new Administration. I would be disappointed if, in fact, as one of the first orders of business, suggesting maybe that within the first six months of operation of the new Administration, that there would not be meaningful reforms placed before this Body for consideration. What is needed is the time to do it. The House has acted responsibly in that matter. There is a court opinion that was handed down today—I have not even had the opportunity to read it—that would suggest that a resolution should be on the Calendar of this Body. But, absent that happening and doing what is practical, efficient and possible within the time limitations afforded us is the Pecora amendment, and that is to extend the life to afford the opportunity to make the reforms that we all believe in.

I repeat, the bill that is before us as unamended is not acceptable to very many people and, from at least the best information I have, the Governor himself. But he has reacted to the limited sales of wines and wine coolers with distributors and has suggested that the only legislation that would be amenable to him would be to embrace a program which would extend the sale of wines throughout the Commonwealth and establish additional agencies for that purpose.

That being the case, Mr. President, I have to conclude that the bill before us as unamended by the Pecora amendment is smokescreened, nothing more and nothing less. To come 180 degrees from a position of only divestment to a position now of compromise on the eve of departure is not responsible and will never happen. If you want something to happen less than chaos, accept the amendment offered by the gentleman from Allegheny, Senator Pecora, for what it is worth. That in and of itself at this hour on this day is reasonable. I am asking every Member of this Senate to embrace it.

Senator GREENLEAF. Mr. President, I rise in opposition to this amendment that not only extends this Body but also guts the bill that is before us, which is an opportunity for us to act responsibly and to reform this agency in some small measure through this compromise proposal. It is truly a compromise proposal since it certainly does not go anywhere near as far as I would advocate, that is, the complete privatization of the sale of alcoholic beverages in Pennsylvania and bring us

out into the twentieth century where we belong instead of back in 1933 into the realm of prohibition where we are at the present time.

It allows in a small degree the sale of retail wines in Pennsylvania and this amendment would take all that provision out. It does not allow liquor sales. It continues the stores in their present position. To think we can compromise beyond this, there is no other compromise. This is about as modest a compromise and as much as you can give without really retaining the present system. That is what I really think we are talking about here. There is no compromise. To say, let us leave this agency to the fate of the next Administration is like asking us to let the fox guard the chicken coop. We all know what was said during the last campaigns and what was stated by the Governor-elect, and he is in favor of retaining this system. There is no compromise, but the compromise he is looking for is some superficial changes in the Liquor Control Board that were going to be espoused as changes and compromise and reform, but is nothing but a smokescreen.

This compromise we are proposing here today will at last change the way we retail liquor, at least wines, in Pennsylvania. Since 1933 when we partially got out of prohibition, public attitudes have changed. I think the public opinion polls throughout the state and the recent exit polls that apparently were taken in the last election indicated that at least 74 percent of the people in this state are in favor of the private retail sale of alcoholic beverages in Pennsylvania. Why? I think it is a two-pronged reason and both reasons are adopted and approached and dealt with in this legislation. The first is that the system itself in regard to its sale and retail sale of alcoholic beverages has not been responsive to consumer needs. They are not competitive in their prices and they do not have an adequate inventory. The customer services are atrocious. There is a lack of self-service stores, credit cards, delivery and sale of related items. There are poor store locations, the hours are inconvenient, they do not take personal checks, the stores are unattractive, ineffective marketing, illogical pricing policies and a situation where clerks are prohibited from—

POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, I think the gentleman's discussion on this bill has gone far afield. I do not believe what he is talking about right now has anything to do with the bill or the amendment that is before us.

The PRESIDENT pro tempore. I think when the amendment seeks to extend the board for two years, which is the purpose of the amendment, and deletes the part that has been in there and the gentleman is giving his reasons why he thinks the deletion part is the wrong way to go, I would believe that latitude should be allowed him, and I think the gentleman is in order.

Senator GREENLEAF. Mr. President, we have a situation where the individuals who are employed by the State Stores

are not permitted to make recommendations in regard to the products on the shelves, and it is a complete disaster as far as the retailing of alcoholic beverages goes. We are now only one of two states that have this type of system, this absolute control of the retail sales of alcoholic beverages. Iowa, in the last couple of years, opened up their system, and now it is Utah and ourselves that are still retaining this final grip on the prohibition mentality. It has been established that the way we retail liquor has no relationship to alcohol abuse, that its effective law enforcement is what deals and effectively deals with the abuse of alcohol, and that gets into the second point that this bill that is attempted to be gutted deals with, and that is, enforcement of the Liquor Code.

As Chairman of the Senate Committee on Law and Justice for several years, I held hearings all over this state and found we have very lax enforcement and we have a situation where, for example, in Pittsburgh in the hearing that we had there, there were at least five community groups who appeared in front of the committee and indicated their origin was because of nuisance bars or problem bars in their areas. I remember holding a hearing on a summer evening in southwest Philadelphia where the room was packed with people. There were twenty some bars in a six block area, I believe it was.

The PRESIDENT pro tempore. Senator, if you would, the nuisance bar part, I think, is starting to go far afield. I recognize that you have been involved in this issue, but I think if you confine yourself to the reason why you oppose the two-year extension. You are starting to get a little far afield.

Senator GREENLEAF. Yes, Mr. President, the reason why I was bringing that subject up was there is a provision in the amendment that would allow enforcement to be taken away from the Liquor Control Board and placed under the Attorney General's Office. Why should we do that? I think it is important for us to discuss why we should do that rather than leave it with the Liquor Control Board. The fact is that we have given them conflicting goals. Originally, this agency started out as a prohibition agency, and it still is, and we say we are supposed to keep these liquors in a State Store and stop people from drinking, and if we run these kinds of stores we will have the best society of all, we will not have drunk drivers, we will not have underage drinking, but we all know that is not the case. We all know that the statistics from the National Institute on Alcohol Abuse indicate that states that have a control system and those states that do not, that there is no significant difference between drunk driving, underage drinking and other related alcohol abuse issues. The fact is when we tell an agency such as the Liquor Control Board—and it does not matter what Administration it is under, it has occurred under fifty years of different Administrations, it does not matter who is there and who is running the Liquor Control Board and who the board members are. It is the system itself that generates this difficulty because we have, as I have indicated, given them conflicting goals. On the one hand we tell them not to sell alcoholic beverages because that will stop the abuse of alcohol in Pennsylvania, but on the other hand we tell them to sell all the liquor they can so we can

raise as much revenue as possible, and then on the other hand we tell them that we are supposed to enforce the Liquor Code against their franchisees, against the taverns, against the State Stores and against those agencies that are selling liquor to the public who raise the revenues that we in the Legislature keep demanding them to raise more and more. They cannot do both. I think it has been proven on a number of occasions. For example, in Philadelphia we have bars where Liquor Control Board agents will not even enter because they are afraid for their own safety and the Philadelphia Police Department has difficulty going in. On one occasion a number of Philadelphia police officers went into a bar, they shut the door, locked it on them and attacked them. I think that is not enforcement. When we have something like 22,000 to 25,000 different liquor licenses in the State of Pennsylvania, that is not enforcement. When we have Pennsylvanians who consume more beer than almost any other state in the nation, that is not control. The fact is that different issues—

POINT OF ORDER

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

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

Senator SCANLON. Mr. President, I believe in a little bit of latitude, but I think this debate on this amendment is going too far afield. I have heard this speech of the gentleman from Montgomery, Senator Greenleaf, for the last four years.

The PRESIDENT pro tempore. That may be. How many times you have heard it, Senator, is not the issue. The issue is whether it is germane to the issue of enforcement which has been stripped out of the bill. I would remind Senator Greenleaf to confine himself to that. I think he gets there and occasionally he slips off, but I think he is trying to make the point as to the enforcement part which has been stripped by the Pecora amendment and maintains the board remain precisely the way it is. It would seem to me that there would be a legitimate debate on the other side as to the enforcement part. When he gets astray from that—and occasionally I will agree with you, he has—that is not appropriate debate, but I think he goes back to it enough times that it is hard for the Chair to continue to interrupt him. How many times you have heard him say it is not the issue, Senator.

Senator SCANLON. Mr. President, I think he made that point fifteen minutes ago.

The PRESIDENT pro tempore. That may be, Senator, but I want to tell you something. If the Chair ruled on that all the time, we would have probably been out of here a long time on a lot of other issues as well. I realize that we are taking up an extremely significant issue at 10:00 p.m. at night. Everybody is tired and hungry, and the Chair apologizes for not having food here. I had no idea we were going to be in this situation, but we are here. We are in the waning days of a Session that must adjourn sine die in the next few days.

Senator Greenleaf, try to confine yourself, if you will, to the point of the amendment and you may proceed.

Senator GREENLEAF. Mr. President, I will try to conclude my remarks. I would like to point out that for a number of years I think the Senator has not heard this. He may have heard this in the committees, but this is the first opportunity I have had to debate this issue on its merits, and even then there has been an attempt to muzzle my comments in regard to this issue. In fact, for a number of years I could get this Body to adjourn just by trying to get up and talk about this issue but, for the first time, they cannot do that because for the first time you have to pass something affirmatively. Unfortunately, I have lost that ability.

I think this is an opportunity to conclude, Mr. President, that this is the only opportunity we are going to get to work out some kind of compromise. We have a bill placed in front of us to vote on. It is a reasonable compromise on the retail sale enforcement of the Liquor Code, and we have a Governor who is apparently willing to sign it. Believe me, next Session, when the new Governor, Governor-elect Casey, is in, from what he has stated in his election process, he is not going to sign a bill like this. This is our only opportunity. By erasing this amendment and by gutting it, we will lose our opportunity to deal with this issue effectively.

Senator BELL. Mr. President, I listened with great interest to my colleague, the gentleman from Montgomery, Senator Greenleaf, talking about when the Liquor Control Board was established it was a prohibition device. He was not even old enough to drink then. I was. I can tell you—

The PRESIDENT pro tempore. The Chair takes judicial notice of that, Senator.

Senator BELL. Mr. President, I can tell you, when the stores opened, I was there, and it was not prohibition booze. Very seriously, I admire the endeavors of the gentleman from Dauphin, Senator Shumaker. Senator Shumaker, like MacArthur, you shall return. Because I do not think the gentleman had more than eighteen votes for the bill he had proposed, which was the Governor's compromise. I did not see it as a compromise. I think, as was presented by the gentleman from Allegheny, the House says ten years. In other words, do not touch it at all. The gentleman from Allegheny, Senator Pecora, backed up by the gentleman from Allegheny who spoke on the subject, comes up with two years. That means commencing January 20th—and I am sure he will be Chairman of the same committee—you have two more years under the tutelage of Governor Casey and Lieutenant Governor Singel without the pressure that started with Governor Shapp. I am surprised the gentleman from Montgomery, Senator Greenleaf, forgot that. Shapp wanted to get rid of the stores. Thornburgh did. You know what? Governor Casey was elected. I am certain he was elected. He apparently said we will take a look to keep the stores, improve them a little bit but keep them. So you do not think this is an earthshaking event with this bill, I have received, I think, five communications on it from 240,000 people. I say here is the compromise, two years. The House would not have bought your bill if we had passed it, so you had nothing. I am counting on the Democrats to get the House to buy it. I know then the Gover-

nor can veto it, and he probably will wait until we have adjourned sine die to veto it, because if he vetoes it before we adjourn, I predict we will override his veto. We now come to a new Governor January 20th. I know Governor Thornburgh is going to put all kinds of executive orders out there and he is going to be taken into the Supreme Court the next day. I am going to predict that if we can get right through the first part of the new Session a two-year extension, then we can go and vote on the merits of the bill of the gentleman from Dauphin, Senator Shumaker. Then my good friend, the gentleman from Montgomery, Senator Greenleaf, can get up here and debate for seven days if he wants, if you have the votes.

Senator FISHER. Mr. President, I will not belabor the point. I know we have heard the issues that are before the Senate many times before and we have heard them articulated tonight by both sides. But, very clearly in my mind, this is really the last chance for us, it is the last chance for the consumers of Pennsylvania, it is the last chance for the people of Pennsylvania to decide whether or not they want to truly modernize this system or whether or not they want to keep essentially the same system we have had here since the days of prohibition. I say it is the last chance. This amendment presents to us an opportunity to extend the life of the LCB for two years. I say to you that from following very closely the progress of the gubernatorial campaign and the issues that were articulated therein, not having seen a lot about the governor-elect's position on this issue because it was not articulated in any detail or at least not in very great detail, it is my impression that if we want to give the people of Pennsylvania an opportunity to have the kind of service, to have the kind of consumer choices that they have in all but one other state in this country, the issue is before us here tonight. The passage of the amendment of the gentleman from Allegheny, Senator Pecora, which will present to us another two-year delay, is really more than that. I do not believe there will be the support either from the next Governor-elect or from this General Assembly, particularly when you look at action which my good friend, the gentleman from Allegheny, Senator Zemprelli, indicated that the House had acted responsibly in extending the life of the LCB. Do the people of Pennsylvania really consider a vote on a ten-year extension of that agency is responsible action? I do not think it is. I do not think the people of Pennsylvania think it is. We have a choice here tonight. We have a choice to merely go with the status quo, not for two years but I would suggest for at least four years, or we have the choice to examine and debate in great detail the compromise proposal that has come out of the Committee on Law and Justice. Just as the gentleman from Montgomery, Senator Greenleaf, has said, I would have liked to have gone further, but I accept what is contained in House Bill No. 1306 as a compromise, as a means by which the people of Pennsylvania can be given an opportunity to at least go out and choose and select the wine that they want to purchase in this Commonwealth in a fashion that is different than what they have to select today.

Mr. President, my friends and colleagues, this is one of the key votes in this Session for the people of this great Commonwealth and I would hope we would look at it that way. I would hope you would give us the opportunity to vote on the merits of this bill, you would give us the opportunity to truly bring reform of the liquor system to the people of Pennsylvania.

Senator SINGEL. Mr. President, just as the gentleman from Allegheny, Senator Fisher, was close to the electoral campaign, and just as he was around the various statements that were made with regard to the PLCB and reform proposals, I daresay that I was somewhat closer to candidate Casey's feelings on the subject, and I just could not pass up the opportunity to take the floor and to indicate to all of my colleagues that he is committed and has said repeatedly that he does favor meaningful reform. It is wrong for the gentleman from Montgomery, Senator Greenleaf, and others to contend there is no hope for meaningful reform, that this is the last chance, that we do not have an opportunity for reform in the coming Administration. That could not be further from the truth. The reality is that the reforms have been discussed, that there are specific things that can be done, many of which will probably embrace the very problems that have been detailed on the floor tonight. The amendment of the gentleman from Allegheny, Senator Pecora, provides us with the opportunity to move toward those reforms in a systematic, unhurried, logical fashion. To do so in the eleventh hour, to make drastic changes that involve an increased availability of alcohol products in the state is not only precipitous and dangerous, but it is not good public policy. The Pecora amendment allows us to take a step at a time to work with the new Administration to come up with a compromise that is a compromise that is meaningful.

Mr. President, I also agree with the comments made by the gentleman from Delaware, Senator Bell. I join him in commending the efforts of the gentleman from Dauphin, Senator Shumaker, in attempting to come to some legislative solution. I agree with that effort. I agree with the direction, but the final product was simply not acceptable to this side of the aisle. There were one or two areas of disagreement that probably can be worked out in the next Administration. I am looking forward to working closely with the gentleman from Dauphin, Senator Shumaker, and anybody else interested in the subject to get the job done right. We are not in a position at this moment to make the sweeping reforms called for. We are not willing to abdicate our responsibility and allow the flow of alcohol throughout this Commonwealth without careful study. I think the next Governor is entitled to that. I think the next Governor deserves the input of everybody in this Chamber to come up with the proper solution to this problem. The reforms will be there. The reforms will be meaningful. We need a little breathing space. That is all we ask. We ask for approval of the Pecora amendment.

Senator STAUFFER. Mr. President, the remarks of the last speaker in particular disappoint me because when the gentleman from Cambria, Senator Singel, speaks of the proposal

before us as being a sweeping reform, I think, regardless of which side of this issue you are on, you would certainly recognize that House Bill No. 1306 as it appears before us is anything but a sweeping reform. Instead, Mr. President, House Bill No. 1306 presents an opportunity, a key opportunity and perhaps the only real opportunity that we have had on this issue, certainly in this Session, and it may be the only opportunity to effect a very reasonable compromise that we will have for a long time to come.

Contrary to what the gentleman from Cambria, Senator Singel, says, Mr. President, this proposal does not suggest that we have a flow of alcohol across the Commonwealth, using his words. It is a very modest proposal.

Mr. President, we have a volatile issue before us, one in which people of good will have taken a variety of positions. It is not a case of one or two positions. Rather, it is a case of several positions if you analyze the thinking of different Members of the Senate of Pennsylvania. What we have endeavored to do, Mr. President, in putting together this proposal, is to bring in something that, first of all, recognizes the concerns that have been advanced from the various thoughts that have been expressed on this issue, so that there is nothing so drastic that anyone who will compromise a little bit would find himself in such a difficult position that it was just unacceptable to consider what we have before us. Instead, we have been very careful to bring in something that just about anyone could not only accept but clearly and eagerly support the compromise that has been tailored.

First of all, Mr. President, we do not get rid of the Liquor Control Board under this proposal. The Liquor Control Board will stay in business exactly as it is today with one exception, and that is the removal of the enforcement division. If I remember correctly, the consideration of moving the enforcement division has passed this Senate nearly unanimously on at least one occasion, so I think there is general agreement that that should happen.

With regard to marketing, Mr. President, again the State Store system remains in place. For those who are concerned about the jobs of those who are employed in the stores, there is no concern. The jobs remain and the stores stay. The system remains as it is. For those who are concerned about juveniles having easier access to alcoholic beverages, we are not going into the supermarkets and the drug stores or into private liquor stores, and so forth, as had been talked about various times in the past. None of that is inherent in House Bill No. 1306 as it appears before us. Instead, we are suggesting that one item, wine, be distributed through the existing licensing structure so that we have a taste, a small degree of private marketing, so that we in the General Assembly, as well as the Administration, will have the opportunity to experiment, if you will, with that little bit of additional marketing and find out whether in the future what the polls show the people of Pennsylvania have suggested, that we go to a private marketing system totally, is the way to go or whether we should retreat and go back to the old system or whether a compromise system deserves to be considered. It is a very modest pro-

posal, Mr. President. It deserves full and fair consideration, and I would hope we would not lose this opportunity because there has been a lot of work go into trying to find this compromise and to avoid the chaos that we all know inevitably faces us if we cannot come forth with a compromise.

I am quite frank to say, Mr. President, if I were Governor-elect Casey, I would not want to come into office on January 20th and face as one of my first major issues the already in place dismantling of the State Store system, a court case that undoubtedly will be under way at the time and try and pick up on that issue and spend the first months of my Administration dealing with that, particularly when the General Assembly had the opportunity to put the whole thing behind it in a very responsible and, yet, a very modest, conservative measure.

Senator KELLEY. Mr. President, I do not know if words ever make reality. I have heard House Bill No. 1306 referred to as a compromise, I do not know how many times this evening. The gentleman from Chester just referred to a modest compromise at that, contradicting the gentleman from Cambria who said there were sweeping reforms. I suppose all the comments with all the different points of view this evening on this bill really reflect that there is no compromise at all, that there is still unsettled judgment among all of us. Yet, this bill seems to be coming to us at the H-hour, and I do not know that we can make a responsible judgment on anything at the H-hour.

I agree with the gentleman from Chester. If we were Governor-elect, maybe we would not like something that would involve such consideration and attention initially to be confronting us in a new Administration, but that is not to prevent it from being so. I happen to believe very strongly in this issue, as you may or may not know, Mr. President. I happen to predate the interest of this Governor and my interest predates the gentleman from Montgomery on it, and I have a different point of view from the gentleman from Montgomery on this particular issue. I do not believe it is right to continue a system that everybody universally believes should be changed. To try to extend it for two years is an unreasonable length of time, because we have had more than that length of time under Sunsetting to review this matter, and we have discussed it for years with committees successfully investigating the issue.

The other alternative to that, of course, is to take the contents of House Bill No. 1306 and that does not seem to meet with any common denominator among us to have at least a majority. I believe sometimes that the General Assembly legislative Bodies seem to respond best when they must and have to do something. I have seen us continually with the other Body on Sunsetting postponing it time after time because we can postpone it. I happen to believe that what we really should do is to force ourselves, those of us who will be here in the next Session of the General Assembly commencing in January, we should have that period of time immediately confronting us to have to do something, if anything, within those six months. That to me will force us to give it the kind of attention it should have. If it is not total disbanding, which I

happen to believe and support, but if we come to a genuine compromise, we will have something that will involve the qualities that the gentleman from Montgomery, Senator Greenleaf, suggested. Far beyond this, it has nothing to do with the opportunities to buy more necessarily, but at least the convenience of the buyer to have it, whether it is a credit card or a personal check. These are the kinds of advances that the people of this Commonwealth are entitled to at the very least, even though I, for one, support the total privatization.

This bill does not represent a compromise to the benefit, the comfort and the convenience of the constituents of this Commonwealth. I believe, however, we all universally agree it must be changed from the present system. I, therefore, am going to be voting "no, no, no" because I want us to face the issue come January. I am not apprehensive about the Governor-elect's position and what his position will be because, look, we have had a Governor for eight years trying to change it and he has not been successful. It is we in the General Assembly who reflect the consensus of the constituents of this Commonwealth to legislate such an issue with which they are vitally involved. I come to this conclusion very simply, I suppose. We have such a difficult time trying to achieve governmental operations and services successfully. We have proven for fifty some years we cannot operate a commercial system appropriately for the convenience of the Commonwealth's people, so whatever you do, I suggest you reflect and vote "no, no, no" so we will deliver this to ultimate resolution in the first six months of the next year.

The PRESIDENT pro tempore. For the information of the Members, I have been trying to recognize those who called to my attention that they wanted to speak and let everybody who has not spoken once speak first before we return. I have, in order, Senator Shumaker, Senator Fisher and Senator Zemprelli. That is the way they asked to be recognized. Does Senator Pecora want to be recognized, too? Senator Pecora actually has not spoken. He introduced the amendment. I will call on him, then Senator Shumaker, Senator Fisher and Senator Zemprelli. If anybody else wishes to be recognized, that is the order I saw them in.

Senator PECORA. Mr. President, the only thing we are doing here this evening is compromising. Whether this bill passes or not, the leadership of the House of Representatives has already stated that they would not accept this legislation. This compromise will prevent court cases that are pending now, a decision by the court on our Liquor Control Board system, and we should show responsibility here and extend it for the two years so we can resolve it for what we think is best for this Commonwealth. I do not feel this should be decided by the courts, and I do not think that resolution should have been held up. It should have been here and we should have voted on it, but the leadership took the initiative to hold it up and now we have court cases pending. These court cases will cost the taxpayers of Pennsylvania many tax dollars. We have a responsibility here, and it is our job to make these decisions. I am hoping, as the gentleman from Delaware, Senator Bell, said, that the other side of the aisle should convince their lead-

ership in the House of Representatives to accept this amendment so that we can continue doing our job, not courts making the decisions and not taxpayers' dollars being wasted.

Senator SHUMAKER. Mr. President, before I give some formal comments, I would like the record set straight in our Journal. On Sunday, the honorable gentleman from Allegheny County said "Senator Shumaker" or "Senator Shumacher" and today again he said "Senator Shumaker" or "Senator Shumacher." I think I have said this once before in this Chamber and I will repeat it again. The correct pronunciation of my name is Senator Shumaker, but if my good friend from Allegheny County insists on mispronouncing my name, I wish he would call me "Senator Schmucker" because then I know I have to be good. Also, the honorable gentleman from Allegheny County on a TV show on Sunday said, in his opening remarks, after I made what I thought were very erudite and appropriate comments, "Cervantes would be very proud of Senator Shumacher." Well, I say that Don Quixote always tried to right wrongs and that is what this compromise is intended to do, to right wrongs. It is an attempt to make sure we try to avoid history repeating itself. What I mean by this is that we did pass a resolution last year. What happened? Nothing. Senate Bill No. 964 was gutted and returned to us. That was the law enforcement bill. When a committee was appointed by this Senate and moved by this Senate for a joint Committee of Conference, an attempt to work out some type of a plan that, perhaps, we could have a consensus of opinion to compromise on between the House and the Senate, the Members from the House were never appointed. My point is that this is being presented now, and I am asking for a negative vote on the amendment and a positive vote on this plan, because we have tried the resolution route and nothing has happened.

I am encouraged by the remarks of the gentleman from Cambria, Senator Singel, that compromise is possible, and I take that for what it is worth because I know he is sincere in saying this. I know the gentleman from Allegheny, Senator Zemprelli, said the same thing on Sunday, that he thought changes were in order. I guess what I am saying is that I have heard this from people now since I have come to this Senate, and I am saying right now is the time we can make these changes. I hope I am not jousting at windmills, and I really hope the wrongs will be righted.

Senator FISHER. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Singel.

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

Senator SINGEL. I will, Mr. President.

Senator FISHER. Mr. President, a number of the Members on this side of the aisle were interested in the comment that you made that the Governor-elect and you hope to bring about some meaningful reform of this system. Would you be able to better define what you mean by the words "meaningful reform" for us?

Senator SINGEL. Mr. President, I hope the gentleman can appreciate that I do not want to put words into the Governor-

elect's mouth before he is even inaugurated. I would be hesitant to be specific about it, but I can tell the gentleman that there has already been discussion, as some of the Members of your side know, about reducing the time of the Sunset period, about majority confirmation and about transfer of enforcement to a different agency.

Senator FISHER. Mr. President, I take from that answer that you are not including in the definition of "meaningful reform" any move to privatization for the sale of either wine or alcohol?

Senator SINGEL. Mr. President, at the risk of being overly specific, I think it is fair to say that there is a caution on the part of Governor-elect Casey and myself and the majority of the Members of the House of Representatives in expanding the availability of wine or alcohol products beyond the present system. There may, in fact, be some area of compromise in that regard, but we are loath to open up whole new distributorships and outlets for alcohol, which we feel is a controlled substance and has to be treated very carefully.

Senator FISHER. Mr. President, is it fair to say then, from that answer, that the Governor-elect would be opposed to the sale of wine in the existing private licensees as is proposed in House Bill No. 1306?

Senator SINGEL. Again, Mr. President, please understand that I do not want to limit any options, nor do I want to hold out any false encouragement. I simply would say that it is a matter that is worth discussion, and we are willing to talk with you and with anybody interested in some meaningful reform.

Senator FISHER. Mr. President, would it, likewise, also be fair to say then that the Governor-elect and your Administration would also be opposed to the sale of wine in privately licensed, newly established establishments across the Commonwealth?

Senator SINGEL. Mr. President, I would prefer, if you do not mind, not to speak for the Governor-elect. I think he is entitled to make those judgments upon his election and, again, our door is open in terms of discussing all options.

Senator FISHER. Mr. President, I do not have any further questions, but I would like to make a comment.

First of all, I want to thank the gentleman from Cambria, Senator Singel, for responding to the interrogation, but I would like to add that I think it is relatively clear, and those of you who heard the answers can judge for yourself. It is relatively clear to me, just as it was clear to me through the course of the last eight or nine months in following what the concepts were of the Casey Administration, that if anybody in this Chamber or anybody in the Commonwealth is really looking for what I would refer to as meaningful reform for the consumers of Pennsylvania in trying to get at least wine in private establishments outside the state-owned liquor stores, that our best hope is clearly not in the next four years, but our best hope is before us this evening. For that reason, I would urge a defeat of the Pecora amendment, and I would urge the consideration of House Bill No. 1306.

Senator ZEMPRELLI. Mr. President, I am almost amazed by the course of the discussion here this evening. First of all, I

have to repeat that the Administration has been opposed to everything except privatization. Now we have come in this last hour to compromise, and the part that disturbs me is that I think that I am not being lied to, but I understood the bill before us without the amendment of the gentleman from Allegheny, Senator Pecora, was acceptable as to all of its provisions with the exception of the sale of wines in the fashion as described in this bill and that there was a limited sale of wine coolers through distributorships. Therein lies the only disagreement that brings us from the ability to compromise this matter which is somewhat consistent with what was said by this caucus early on to which deaf ears were presented. I am suggesting that this Administration and now the gentleman from Cambria, Senator Singel, have demonstrated a very sincere desire to make certain reforms which I am sure would embrace even further than these four or five issues that are before us now, as the gentleman from Montgomery, Senator Greenleaf, suggested, the use of credit cards, acceptance of checks, merchandising in a different fashion, all of these. The hour does not allow for that kind of insight, for that kind of deliberation and to piecemeal it with this piece of legislation I think would be foolish because it represents a great deal less than the whole that is necessary. However, on the other hand, a reasonable extension of the present situation for the opportunity to work within the guidelines that have been established here and have been articulated and which I believe are sincerely presented is the precise answer, and that is the Pecora amendment. Anything short of that would be catastrophic.

Senator HOPPER. Mr. President, I am just trying to refresh my recollection of this whole situation. I can recall back in October 1984 there was an adjournment motion to preclude any discussion of this situation. We came back and then in November when we were about to sine die, there was a motion made to table the situation which precluded any discussion of this situation. It is interesting to me that now we want two years to discuss it, and those motions were made by people on the other side of the aisle. It is a very interesting note that I inject this in the record.

MOTION TO ADJOURN

Senator GREENLEAF. Mr. President, I rise to make a motion that we adjourn for the evening until tomorrow, November 25th, at 11:00 a.m.

Senator STAUFFER. 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.)

MOTION WITHDRAWN

Senator GREENLEAF. Mr. President, I have been prevailed upon by the leadership, since there are other issues such as the Executive Nominations that are necessary for us to deal with, and I will withdraw that motion. But it seems to me somewhat ironic that this was the procedure we were taking some years ago, and, of course, I would think the other side would not be in support of that motion now, so I would withdraw it at this time.

LEGISLATIVE LEAVE

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

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

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

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

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

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

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

YEAS—32

Andrezski	Jones	O'Pake	Scanlon
Armstrong	Kratzer	Pecora	Shaffer
Bell	Lemmond	Peterson	Singel
Bodack	Lincoln	Reibman	Stapleton
Early	Lynch	Rhoades	Stout
Fumo	Madigan	Rocks	Wenger
Hankins	Mellow	Romanelli	Williams
Helfrick	Musto	Ross	Zempirelli

NAYS—17

Brightbill	Holl	Kelley	Shumaker
Corman	Hopper	Lewis	Stauffer
Fisher	Howard	Loeper	Tilghman
Greenleaf	Jubelirer	Moore	Wilt
Hess			

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

The PRESIDENT pro tempore. House Bill No. 1306 will go over in its order, as amended.

LEGISLATIVE LEAVE CANCELLED

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

SUPPLEMENTAL CALENDAR NO. 2

HB 241 CALLED UP

HB 241 (Pr. No. 4200) — Without objection, the bill was called up, from page 1 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 241 (Pr. No. 4200) — The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

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

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

November 24, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 6, 1986 for the reappointment of William A. Schmidt, 201 Country Club Lane, Wallingford 19086, Delaware County, Ninth Senatorial District, as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years, and until his successor is appointed and qualified.

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 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 BOARD OF COSMETOLOGY

November 15, 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 Joan Pileggi, Hopkinson House, 6th and Washington Square, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Ralph H. Holland, Allentown, resigned.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC 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 Phillip D. Pulsinelli, R. D. 3, Sunset Drive, Export 15632, Westmoreland County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years, or until his successor is appointed and qualified, but no longer than six months beyond that period.

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 Keith Doms, 3101 West Coulter Street, Philadelphia 19129, Philadelphia County, 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 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 Paulette D. Johnson, River Park Apartments, #901, 3600 Conshohocken Avenue, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 1989, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE HORSE RACING COMMISSION

November 15, 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 Russell B. Jones, Jr., 135 East State Street, Kennett Square 19348, Chester County, Thirty-sixth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years, and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Robert P. Horton, Athens, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA HOUSING FINANCE AGENCY

November 13, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ronald S. Mintz, Esquire, 6 Log Pond Drive, Horsham 19044, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1989, and until his successor is appointed and qualified, vice Herman Silverman, Doylestown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

September 24, 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 Maurice A. Lawruk, 3513 Fort Roberdeau Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of The Pennsylvania Industrial Development Authority, to serve until July 24, 1993, and until his successor shall be duly appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

November 13, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Julio Tio, 301 Chestnut Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1988, and until his successor is appointed and qualified, vice William E. Andrews, Philadelphia, 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 David E. Epperson, Ph.D., 115 North Murtland Street, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified.

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 Bonney C. Lechner, 503 Margo Court, Erie 16505, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified.

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 Max Solomon, 1258 June Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Christopher J. Gigliotti, Holland, 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 Stan Thomas, 5 Wellington Road, Pittsburgh 15221, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF PODIATRY

September 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 Donald W. Spigner, M.D., 2406 Valley Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William D. Allison, M.D., Ardmore, resigned.

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 Jay R. Bair, R. D. 1, Box 235, Wrightsville 17368, York County, Twenty-eighth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor has been appointed and qualified, but no more than ninety days beyond the expiration of that term, vice Jean D. Mowery, Lancaster, resigned.

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 The Honorable Vincent A. Cirillo, 825 Bryn Mawr Avenue, Penn Valley 19072, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor has been appointed and qualified, but no more than ninety days beyond the expiration of that term, vice The Honorable Henry R. Smith, Pittsburgh, resigned.

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 Terry L. Davis, 1600 Colonial Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor has been appointed and qualified, but no more than ninety days beyond the expiration of that term, vice John F. Dougherty, Wyomissing, 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 William H. Parsonage, Ph.D., 1137 Dorum Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor has been appointed and qualified, but no more than ninety days beyond the expiration of that term, vice The Honorable Levan Gordon, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION

September 24, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Scotzin, 51 South 24th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years, and until his successor shall have been appointed and qualified, vice Gerald Specter, Ph.D., Harrisburg, whose term expired.

DICK THORNBURGH.

COMMONWEALTH TRUSTEE OF THE
UNIVERSITY OF PITTSBURGH-OF
THE COMMONWEALTH SYSTEM
OF HIGHER EDUCATION

November 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 William W. Pendleton, Sr., 5810 Elgin Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for appointment as a Commonwealth Trustee of the University of Pittsburgh-of the Commonwealth System of Higher Education, to serve until October 5, 1988, and until his successor is appointed and qualified, vice The Honorable Edward P. Zemprelli, Clairton, whose term expired.

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 Charles M. Marshall, Esquire, 225 Wilson Avenue, Beaver 15009, Beaver County, Forty-seventh Senatorial District, for appointment as District Justice in and for the County of Beaver, Magisterial District 36-2-02, to serve until the first Monday of January, 1988, vice George Shaffer, 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.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

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.

On the question,

Will the Senate advise and consent to the nomination?

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

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

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

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

YEAS—26

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

NAYS—23

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

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

September 24, 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 Marjorie Beacom Broderick, 6408 Church Road, Philadelphia 19151, Philadelphia County, Seventeenth Senatorial District, for appointment 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, vice C. William Lafe, Jr., Pittsburgh, whose term expired.

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 Joan Apt, 40 Woodland Road, Pittsburgh, 15635, Allegheny County, Forty-third 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 Diana R. Rose, Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

September 24, 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 Louise Curl/Adams, 424 Beverly Boulevard, Upper Darby 19082, Delaware County, Twenty-sixth 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 Frank Goodyear, confirmed to another position.

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 COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

September 24, 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 Bernard C. Watson, Ph.D., 100 Hillcrest Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1989, and until his successor has been appointed and qualified, vice Wilver Stargell, whose term expired.

DICK THORNBURGH.

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

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James H. Manning, Jr., 15 Waterview Road, Downingtown 19335, Chester County, Nineteenth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Edna B. McKenzie, Ph.D., Verona, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF COSMETOLOGY

July 8, 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 Janice A. Keim, R. D. 1, Box 497-D, Hecks Drive, Dauphin 17018, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of two years and until her successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Florence Benner, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

July 8, 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 George J. Moccio, 511 Montgomery Road, Ambler 19002, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Joan Pileggi, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC 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 Richard Weatherbee, 27 Conway Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years, or until his successor is appointed and qualified, but no longer than six months beyond that period, vice Richard D. Atkins, Esquire, Philadelphia, 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 Fred E. Bryan, D.Ed., 26 Beach Farm Road, Wormleysburg 17043, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 1990, and until his successor is appointed and qualified, vice Anna L. Dowling, Monongahela, 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 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 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 Margaret F. Hurlburt, 6 Montgomery Lane, Aston 19014, Delaware County, Ninth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 1991, and until her successor is appointed and qualified, vice Herbert P. Lauterbach, 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 William R. Smith, 1079 Meadowlark Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 1990, and until his successor is appointed and qualified.

DICK THORNBURGH.

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

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 Werner Fricker, 1226 Lois Road, Ambler 19002, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

June 13, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Bertha Wahmann, 1006 South First Avenue, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF HAVERFORD STATE HOSPITAL

June 11, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Julie A. Chain, 2805 Haverford Road, Ardmore 19003, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Patricia Jenkins, 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 BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Cynthia M. Philo, 28 Autumn Road, Churchville 18966, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until she is graduated or separated from the university, vice Todd A. Baney, Beech Creek, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Hillard Madway, 77 Righters Mill Road, Narberth 19072, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1991, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION

June 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Aubra Gaston, 1420 Locust Street, Academy House 9K, Philadelphia 19102, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1991, or until her successor shall have been duly appointed and qualified, vice Benjamin S. Loewenstein, Esquire, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA INDUSTRIAL
DEVELOPMENT AUTHORITY

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 John C. Schmidt, Shady Dell Drive, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until December 1, 1991, and until his successor shall be duly appointed and qualified, vice Thomas R. Milhollan, Washington, whose term expired.

DICK THORNBURGH.

COMMONWEALTH TRUSTEE OF LINCOLN
UNIVERSITY—OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Herbert J. Hutton, Esquire, 636 Burnham Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1990, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES
OF LOCK HAVEN UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

August 11, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert L. Hendricks, P. O. Box 172, Milroy 17063, Mifflin County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve for three years or for so long as he is a full-time undergraduate student in attendance at the university, whichever period is shorter, if he qualifies academically, vice Gerard Snyder, graduated.

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY**

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 Sheila Bass, 200 Buckshire Drive, Holland 18966., Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1991, and until her successor shall be duly appointed and qualified, vice Carlos E. Graupera, Lancaster, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF EXAMINERS OF NURSING
HOME ADMINISTRATORS**

September 24, 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 Lee A. Stickler, 3099 West Oak Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Cosmo P. Morabito, Beaver, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF OCCUPATIONAL THERAPY EDUCATION
AND LICENSURE**

June 6, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Helen L. Hopkins, 5427 Houghton Place, Philadelphia 19128, Philadelphia County, Third Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF OPTOMETRY**

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 Merle Francis Coulson (Public Member), 130 Rice Avenue, Biglerville 17307, Adams County, Thirty-third Senatorial District, for appointment as a member of the State Board of Optometry, to serve until September 20, 1987, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward C. G. Ehrhorn, Philadelphia, resigned.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF PHILADELPHIA STATE HOSPITAL**

October 9, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Frank P. Buzydlowski, Esquire, 1118 Bingham Street, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for appointment as a member of the Board of Trustees of Philadelphia State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Ernest L. Milewski, Philadelphia, resigned.

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 Arthur A. Davis, 12 Beaver Branch Road, Pennsylvania Furnace 16865, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified.

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 Harold D. Miller, 6624 Rockford Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Edward M. Mead, Fairview, 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 Robert W. Goode, 1932 Murdoch Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified.

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 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 Nicholas Stipanovich, 5054 Daube Drive, Pittsburgh 15236, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified.

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 John C. Dowling, 3620 Hillcrest Road, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor has been appointed and qualified, but no more than ninety days beyond the expiration of that term, vice The Honorable Roy A. Gardner, Nicholson, 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 PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION

September 24, 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 Bart H. Cavanagh, 132 Springton Lake Road, Media 19063, Delaware County, Ninth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years, and until his successor shall have been appointed and qualified, vice Donald H. Tollefson, Plymouth Meeting, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION

September 25, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Louise Ross, 307 Rex Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years, and until her successor shall have been appointed and qualified, vice Frederick E. Leuschner, Harrisburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SELINGSGROVE CENTER

September 24, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ralph A. Gaul, Jr., HCR 63, Box 32, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Blanche A. Roush, Selingsgrove, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SOMERSET STATE HOSPITAL

June 11, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Catherine H. Kelley, 300 Maple Drive, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SOMERSET STATE HOSPITAL

October 9, 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 Kenneth Halverson, 499 West Main Street, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Lois T. Rodger, Hooversville, whose term expired.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF EXAMINERS IN SPEECH-LANGUAGE
AND HEARING

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Molly M. Daly (Public Member), 218 Dombey Drive, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF EXAMINERS IN SPEECH-LANGUAGE
AND HEARING

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Steven W. Vargo, Ph.D., 1060 Beech Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.
COMMONWEALTH TRUSTEE OF TEMPLE
UNIVERSITY—OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Brian J. O'Neill, Esquire, 3841 Fairdale Road, Philadelphia 19154, Philadelphia County, Fifth Senatorial District, for reappointment as a Commonwealth Trustee of Temple University—of the Commonwealth System of Higher Education, to serve until October 14, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.
MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY

August 13, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Susan R. Friedman, 523 North School Lane, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Lawrence Thompson, whose term expired.

DICK THORNBURGH.
MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY

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 Keith A. Lauderbach, D.Ed., R. D. 1, Box 358, Manheim 17545, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice Albert Month, Lancaster, whose term expired.

DICK THORNBURGH.
MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Velma C. Noonan, 5628 Northumberland Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice James S. Lederach, Esquire, Scottsdale, resigned.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS

September 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 J. Robert Ladd, R. D. 7, Box 135, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John H. Wright, Jr., Conyngham, resigned.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS**

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 Dorothy S. Hartlieb (Public Member), 4925 Woodbox Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Vallie D. Steele, Duncannon, resigned.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE**

August 14, 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 Susan McDonough, V.M.D., 226 South 20th Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years and until her successor has been duly appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF WERNERSVILLE STATE HOSPITAL**

August 13, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Carolyn Rae Holleran, P. O. Box 99, Wernersville 19565, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Laura Lutz, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF WESTERN CENTER**

September 24, 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 Nidia Henderson, 706 Olive Street, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Angela Zondos, Ambridge, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF WESTERN CENTER**

June 13, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Selina S. Roth, 383 Kane Boulevard, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF WHITE HAVEN CENTER**

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Daniel Guydish, Rear 401, West Green Street, West Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice Martha Marsilio, Conyngham, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF WHITE HAVEN CENTER**

September 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 Angeline L. Lamana, R. D. 2, Box 93G, Woodlawn Park, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Ruth Levey, Kingston, whose term expired.

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.

**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 Dorothy Tribus, 309 Chestnut Avenue, Kingston 18704, Luzerne 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.

MEMBER OF THE BOARD OF TRUSTEES OF WOODVILLE STATE HOSPITAL

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mildred Jordan, 921 Meadowcraft Avenue, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Woodville State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Richard Redd, whose term expired.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

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

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

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.

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

YEAS—28

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

NAYS—22

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

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

Ordered, That the Governor be informed accordingly.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I would request a temporary Capitol leave for Senator Mellow who has left the floor.

The PRESIDENT pro tempore. Senator Stauffer and Senator Lincoln have requested temporary Capitol leaves for Senator Hopper and Senator Mellow. The Chair hears no objection. Those leaves will be granted.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Walter G. Scheipe, Snyder Drive R. D. 2, Box 2609, Leesport 19533, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, or until his successor is duly appointed and qualified, but no longer than ninety days beyond the expiration of his term.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—26

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

NAYS—24

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

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

Ordered, That the Governor be informed accordingly.

LEGISLATIVE LEAVE

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

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

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE TAX
EQUALIZATION 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 John T. Martino, 925 Virginia Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 1987, and until his successor is appointed and qualified, vice LeGree S. Daniels, Harrisburg, resigned.

**DICK THORNBURGH.
DISTRICT JUSTICE**

August 14, 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 Donald Nasshorn, Esquire, 84 Hampton Drive, Richboro 18954, Bucks County, Tenth Senatorial District, for appointment as District Justice in and for the County of Bucks, Magisterial District 7-2-01, to serve until the first Monday of January, 1988, vice James C. Greenwood, resigned.

**DICK THORNBURGH.
DISTRICT JUSTICE**

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 John B. Frazier, 816 Bellefonte Avenue, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as District Justice in and for the County of Clinton, Magisterial District 25-3-01, to serve until the first Monday of January, 1988, vice Carl R. Hamberger, resigned.

**DICK THORNBURGH.
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**

September 23, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John L. Davies, Box 216, Delaware Water Gap 18327, Monroe County, Eighteenth Senatorial District, for appointment as District Justice in and for the County of Monroe, Magisterial District 43-4-01, to serve until the first Monday of January, 1988, vice Emanuel Scavone, resigned.

**DICK THORNBURGH.
DISTRICT JUSTICE**

September 19, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Katherine R. Speers, 3011 Mathers Mill Road, Lafayette Hill 19444, Montgomery County, Seventeenth Senatorial District, for appointment as District Justice in and for the County of Montgomery, Magisterial District 38-1-23, to serve until the first Monday of January, 1988, vice James W. Speers, 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.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—27

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

NAYS—23

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

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE CRIME VICTIM'S
COMPENSATION 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 Marvin E. Miller, 862 Market Street, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1991, and until his successor is appointed and qualified.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—27

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

NAYS—23

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

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE
ATHLETIC COMMISSION

June 6, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James J. Binns, 1111 Barberry Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Athletic Commission, to serve for two years, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate advise and consent to the nomination?

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

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

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

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

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

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

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

The Chair wishes to change his vote from "aye" to "no."

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

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

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

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

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

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

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

YEAS—11

Armstrong	Fumo	Lemmond	Shumaker
Bell	Hopper	Loeper	Tilghman
Brightbill	Kratzer	Salvatore	

NAYS—38

Andrezeski	Howard	Musto	Shaffer
Bodack	Jones	O'Pake	Singel
Corman	Jubelirer	Peterson	Stapleton
Early	Kelley	Reibman	Stauffer
Fisher	Lewis	Rhoades	Stout
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Lynch	Romanelli	Williams
Helfrick	Madigan	Ross	Wilt
Hess	Mellow	Scanlon	Zemprelli
Holl	Moore		

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

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION

Senator TILGHMAN. Mr. President, I would like to move that the vote by which James Binns was defeated be reconsidered and his name be laid on the table. He is on the twenty-fifth day. I guess the short of that is, tough luck.

The PRESIDENT pro tempore. Senator Tilghman, we could reconsider him, but it would have to be done today. You have a motion on the floor.

Senator TILGHMAN. Mr. President, I want my friends to look at the Senatorial district in which he lives and just remember.

The PRESIDENT pro tempore. Do you wish to withdraw the motion? The motion is still on the floor.

Senator TILGHMAN. Yes, Mr. President, I will withdraw the motion and remember.

POINT OF INFORMATION

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

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

Senator ZEMPRELLI. Mr. President, I rise for the purpose of verifying the roll call. I missed on one Senator's name. How did Senator Salvatore vote on this issue?

The PRESIDENT pro tempore. The Senator voted "aye."

EXECUTIVE SESSION RISES

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

The motion was agreed to.

SPECIAL ORDER OF BUSINESS REPORT FROM COMMITTEE

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

HB 322 (Pr. No. 4205) (Amended) (Rereported)

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for compulsory school attendance requirements; prohibiting the refusal to enroll students because of race or color; further specifying requirements for high school certificates; further providing for the education of exceptional children in approved institu-

tions; further prohibiting the use of standardized entrance aptitude tests as factors for the admission of individuals having dyslexia; increasing reimbursement for school building construction; and making appropriations.

SUPPLEMENTAL CALENDAR NO. 3

HB 322 CALLED UP

HB 322 (Pr. No. 4205) — Without objection, the bill was called up, 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 322 (Pr. No. 4205) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the definition of "pupil instruction time"; authorizing the establishment of regional summer academies; further prohibiting the use of standardized entrance aptitude tests as factors for the admission of individuals having dyslexia; further providing for courses of study; making an editorial change; and making an appropriation.

Considered the second time and agreed to,

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

POINT OF INFORMATION

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

The PRESIDENT pro tempore. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, what have we done with House Bill No. 322?

The PRESIDENT pro tempore. It has been moved up from second consideration to third consideration, Senator.

Senator LINCOLN. Mr. President, will there be an opportunity to amend this bill on third consideration?

Senator STAUFFER. Yes, Mr. President.

The PRESIDENT pro tempore. It has always been a courtesy given to the Members, Senator.

Senator LINCOLN. Well, Mr. President, this is a strange time. I just wanted to make sure.

The PRESIDENT pro tempore. We have even done it in strange times.

UNFINISHED BUSINESS SENATE RESOLUTION

DESIGNATING THE MONTH OF JANUARY 1987 AS "PRODUCTIVITY IMPROVEMENT MONTH"

Senators SHUMAKER and HOPPER offered the following resolution (**Senate Resolution No. 204**), which was read, considered and adopted:

In the Senate, November 24, 1986.

A RESOLUTION

Designating the month of January 1987 as "Productivity Improvement Month."

WHEREAS, The Institute of Industrial Engineers is celebrating the 40th anniversary of its founding; and

WHEREAS, The Institute of Industrial Engineers has over 46,000 members worldwide; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania, in recognition of the important role industrial engineers have played in our society, designate the month of January 1987 as "Productivity Improvement Month" in Pennsylvania.

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 Dr. M. Roy Strausbaugh by Senator Andrezeski.

Congratulations of the Senate were extended to William J. Nealy, Jr. and to the Strath Haven High School Soccer Team by Senator Bell.

Congratulations of the Senate were extended to Mary Alice Moran and to the Greater Bethlehem Temple Church of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to G. M. "Mac" McCrossin by Senator Corman.

Congratulations of the Senate were extended to Patti LaBelle by Senator Fumo.

Congratulations of the Senate were extended to James A. McGowan by Senator Greenleaf.

Congratulations of the Senate were extended to Gerald R. Breslin, Jerry Marks, Benton Girls' Field Hockey Team, Danville Girls' Cross-Country Team, Danville Boys' Cross-Country Team and to the Millville Quakers Soccer Team by Senator Helfrick.

Congratulations of the Senate were extended to Albert L. Creely, III by Senator Loeper.

Congratulations of the Senate were extended to John M. Martin by Senator Mellow.

Congratulations of the Senate were extended to Kenneth Otto by Senator Rhoades.

Congratulations of the Senate were extended to Albert Belisky by Senator Romanelli.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Simon by Senator Ross.

Congratulations of the Senate were extended to Mrs. Vandalia "Vannie" Leventry by Senator Singel.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Reverend Maurice Reid Entwistle by Senator Madigan.

Condolences of the Senate were extended to the family of the late G. Alvin Kahle by Senator Shaffer.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Donna Lewis was extended to Reverend James Lewis by Senator Shaffer.

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, NOVEMBER 25, 1986

10:45 A.M.	RULES AND EXECUTIVE	Rules Committee
	NOMINATIONS (to consider	Conference Rm.
	Senate Resolution No. 201	
	and certain Executive	
	Nominations)	

ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Tuesday, November 25, 1986, at 10:30 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 11:55 p.m., Eastern Standard Time.