

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 25, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 64

SENATE

TUESDAY, November 25, 1986.

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

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

PRAYER

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

Almighty God, our prayer today is for all who labor for good and just government, the Governor of our Commonwealth, the leaders of the Majority and Minority parties, the clerks, secretaries, pages and all others. May Your wisdom and power be with all these servants that they may serve loyally and faithfully. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 24, 1986.

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

GENERAL COMMUNICATIONS

LISTS OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

November 25, 1986

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from October 1, 1986 through November 25, 1986 inclusive for the 170th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
MARK R. CORRIGAN
Secretary of the Senate
JOHN J. ZUBECK
Chief Clerk
House of Representatives

(See Appendix for complete list.)

JOB TRAINING PARTNERSHIP ACT PLAN

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

DELAWARE COUNTY OFFICE OF
EMPLOYMENT & TRAINING
321 W. State Street
Media, Pennsylvania 19063

November 14, 1986

Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
Main Capitol Building
Harrisburg, PA 17120

Dear Senator Jubelirer:

The Delaware County Office of Employment and Training will submit Modification 602 Annual Plan Agreement Number A20600/C20600 for Program Year 1986 with the Pennsylvania Department of Labor and Industry.

The Modification of the Annual Plan or a Summary thereof may be reviewed at your request and convenience.

Sincerely,
JOSEPH YANKOSKI
Executive Director

The PRESIDENT pro tempore. This communication will be filed in the Library.

BILLS INTRODUCED AND REFERRED

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

November 24, 1986

Senators ARMSTRONG and STAUFFER presented to the Chair SB 1722, entitled:

An Act providing for the protection of trade secrets; providing remedies; and making a repeal.

Which was committed to the Committee on JUDICIARY, November 24, 1986.

Senators MUSTO and LEMMOND presented to the Chair SB 1723, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for intermediate unit boards of directors.

Which was committed to the Committee on EDUCATION, November 24, 1986.

DISCHARGE PETITION

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

In the Senate, November 25, 1986.

A PETITION

To place before the Senate the nomination of Mary E. Maloney as a member of the Board of Trustees of Embreeville Center.

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 Mary E. Maloney, Aston, Pennsylvania, as a member of the Board of Trustees of Embreeville Center, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

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

LEAVE OF ABSENCE

Senator LOEPER asked and obtained temporary leave of absence for Senator HELFRICK, for a portion of today's Session.

LEGISLATIVE LEAVES

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

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

Senator ZEMPRELLI. Mr. President, I have two requests for temporary Capitol leaves for Senator Jones and Senator Singel.

The PRESIDENT pro tempore. Senator Zemprelli requests temporary Capitol leaves for Senator Jones and Senator Singel. The Chair hears no objection. Those leaves are granted.

CALENDAR

HB 1306 CALLED UP OUT OF ORDER

HB 1306 (Pr. No. 4207) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

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

HB 1306 (Pr. No. 4207) — The Senate proceeded to consideration of the bill, entitled:

An Act continuing existence of the Pennsylvania Liquor Control Board scheduled for termination under Sunset 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?

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

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

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

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 PRESIDING OFFICER (D. Michael Fisher) in the Chair.

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

YEAS—35

Andrezeski	Jones	O'Pake	Shaffer
Armstrong	Lemmond	Pecora	Shumaker
Bell	Lewis	Peterson	Singel
Bodack	Lincoln	Reibman	Stapleton
Brightbill	Lynch	Rhoades	Stout
Corman	Madigan	Rocks	Wenger
Early	Mellow	Romanelli	Williams
Fumo	Moore	Ross	Zemprelli
Hankins	Musto	Scanlon	

NAYS—12

Fisher	Holl	Jubelirer	Stauffer
Greenleaf	Hopper	Kelley	Tilghman
Hess	Howard	Loeper	Wilt

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 rise to request a temporary Capitol leave on behalf of Senator Williams.

The PRESIDING OFFICER. Senator Zemprelli requests a temporary Capitol leave on behalf of Senator Williams. The Chair hears no objection. The leave will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. The Chair notes the presence on the floor of Senator Singel and Senator Jones and their leaves will be cancelled.

MISS PENNSYLVANIA PRESENTED TO SENATE

Senator LYNCH. Colleagues and Members of the Senate, I have the privilege today to introduce to you a person who really made great strides in her career, and I just want to tell you a little more about her.

She is the daughter of Mr. and Mrs. Raymond Deeley. She went to Little Flower Catholic High School for Girls in the City of Philadelphia. She went to West Chester University and has a B.S. degree and a M.S. degree in Health and Physical Education. Her ambition is to obtain a Doctorate Degree in Health and Physical Education. Her talent is gymnastic/dance routine. Her sports are "Old Timers" gymnastics, summer league softball, aerobics and jogging.

When she was in high school, she was on the honor roll and was most talented senior and homecoming queen. She was on the Junior Olympic team, a cheerleader, class athletic representative and special student performer for a national teachers' convention. In college, she was a NCAA two-time All-American gymnast. In 1983 she was the PAIAW Gymnast of the Year. She earned a graduate assistantship in athletics as assistant gymnastics coach and was homecoming queen and West Chester University's Outstanding Athlete of the Year. Her father is a professional musician and her mother is an X-ray medical secretary. She earned her college tuition as a waitress at the Jersey shore since she was fifteen years of age. Her lucky number is thirteen.

Her future ambition is to complete a doctorate degree in Health and Physical Education, which fulfills her dream of teaching at the college level. Someday she hopes to coach and train Olympic athletes.

Her local pageant sponsor was Miss Wilkes-Barre/Scranton Scholarship Pageant which is cosponsored by The Times Leader, The Station Complex and WBRE-TV. Her state pageant sponsor was the Altoona Area Chamber of Commerce, the Altoona Jaycees and the Miss Pennsylvania Pageant.

Ladies and gentlemen, I give you the charming and beautiful Miss Pennsylvania of 1986, Darlene Deeley.

(Applause.)

Miss DEELEY. Thank you very much, everyone. Who would have thought a year ago, I guess a year ago today, that

I would be standing in front of the House and the Senate, and I must tell you it is quite an honor for me. Just like you, I had to win to get to where I am right now, and it was a real long road for me to get there. I know they just read my resume and I was sitting there thinking, oh, my gosh, it is probably so boring for all these gentlemen sitting out here, and I hope it did not bore you too much. I really do not wish to stand here and talk about myself, because I would like you to know how proud I am of you and how honored I am to be here. You are all wonderful, and winning is a real important part of what you do—I am sorry, ladies, too. I did not mean that.

In order to win, it is a long, hard road in getting there. I know that myself because I tried thirteen times before I did finally win. Losing I think makes a person much stronger. You have to lose a little bit to get a kick in the buns to get you moving a little bit to do the right things to promote yourself better.

I am certainly glad to see Senator Armstrong here. I met Gib Armstrong at a jeweler's convention where I was presented by the jeweler's association with a \$10,000 crown. I was fortunate enough to meet him there.

When I was younger, I tried for many years to succeed in college and in athletics, and I know that in anything you do in life it is very competitive and you have to put your whole heart and soul into that. That is why you can understand where I am coming from as well.

I thank you for having me here today and I thank you also for inviting my parents. It is nice to see them for a change—my mom and dad, Ray and Joanne Deeley—because just as you have very busy schedules with traveling, packing, unpacking, smiling and going to social events, it is real tough. You make a lot of sacrifices in your life and you do not get to see your families often. I am home for a couple of days now. I will leave for Philadelphia and I will go back with mom and dad and my family for about five days and enjoy the Thanksgiving holiday. I will be in the Thanksgiving parade, which is kind of nice. That is something I am sure all of you gentlemen and ladies are aware of. You do some things with parades, and some days you get up and you just do not want to smile or you do not feel like getting dressed up and you just feel like putting on jeans and a sweatshirt, so we are both coming from the same areas.

I think politics and pageantry are so much alike. I was talking to my father and mother about that and they said, make sure you say it is a lot alike and not just alike, because sometimes people think there is politics in pageants. That is not so. I did go to the Atlantic City Miss America Pageant and I had a wonderful, wonderful experience. I am proud to be your state representative. I am doing the best job I possibly can in being the ambassador for the state, traveling all over and meeting and greeting the people of the State of Pennsylvania. I have cut a lot of ribbons with Senator Jubelirer and Representative Rick Geist. We had about three ribbon cuttings already. We are getting real good at that, and we are getting real good at the wave when we are in the parades together.

Thank you so much for having me, and it is a real honor for me and my family. The highlight of my reign so far, as I said, was the Miss America Pageant. I did not become Miss America, but I gained a lot from my experience. Before I went, I said win or lose I am still Miss Pennsylvania, but I think I am kind of lucky because I do not have to win again. I already reached the top and now I can enjoy it, but staying on top is hard, because you have to look good and really be a great representative at all times. I wish you all luck in winning again because I know you have to do that.

I have seen so many good-looking men as I am walking around the House and Senate. I say, "Oh, gosh, look at all these men in these suits. They just look great." It is nice to see the gentlemen and the ladies, too.

Good luck to you all and thank you again. Bye bye.

(Applause.)

Senator STAUFFER. Mr. President, I would like to join my colleagues in congratulating Miss Deeley on her success. As the resident Senator from Chester County, I recognize that the gentleman from Philadelphia, Senator Lynch, claims her as a constituent, but I would also like to believe that the great atmosphere of Chester County and at West Chester University played a great role in her success, so we will claim at least a part of you.

Senator ZEMPRELLI. Mr. President, it is always a pleasure to have before us a symbol of the future of this great Commonwealth, particularly one who has been engrossed and blessed with so much pulchritude and to be as articulate as she is. I am very proud that she represented me as Miss Pennsylvania. I think she has a brilliant future ahead of her. I am not sure that it is not all political when she referred to the fact that there were so many good-looking men around here. I have never shared that view and now that I look about I still have not shared that view, but there are two good-looking women, at least, that I know who happen to be Members of our caucus. That is my politics, Mr. President.

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

PERMISSION TO ADDRESS SENATE

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

Senator ROMANELLI. Mr. President, you can certainly tell the reorganization is over, because of the pun of the gentleman from Allegheny, Senator Zemprelli.

The PRESIDENT. The remarks of the gentleman will be spread upon the record.

LEAVES CANCELLED

Senator LOEPER. Mr. President, I would note the presence on the floor of Senator Shumaker and Senator Helfrick and ask that their leaves be cancelled.

The PRESIDENT. The Chair notes the presence on the floor of Senator Shumaker and Senator Helfrick and their leaves will be cancelled.

LEGISLATIVE LEAVES

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

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

Senator ZEMPRELLI. Mr. President, I am not sure of the status of Senator Jones' temporary Capitol leave. She was on Capitol leave and she may have been taken off, and if she was, in fact, because she returned to the floor, I would request an additional temporary Capitol leave for her.

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

PARLIAMENTARY INQUIRY

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

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

Senator ZEMPRELLI. Mr. President, I have in my possession an order of court that was issued by the Commonwealth Court of Pennsylvania at No. 3332 C.D. Docket 1986, as well as 3333 C.D. Docket 1986 in which the order directs the Presiding Officers of the Senate of Pennsylvania to place on the Senate Calendar for Tuesday, November 25, 1986, a question, in the form of a resolution, of whether the Liquor Control Board, scheduled for termination on December 31, 1986, shall be continued. Mr. President, I have, in fact, viewed the Calendar for today's affairs, and I find no such resolution on that Calendar. My point of parliamentary inquiry is, does the President pro tempore intend to have placed upon the Calendar, through some Senate procedure or some Rules, a resolution in conformance with that order dated November 24, 1986 that would be in the form of a compliance to the order?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. The Chair has been advised that the panel opinion of the Commonwealth Court is in error and it clearly infringes on the constitutional duties of the Senate. The order violates several provisions of the Constitution, including the separation of powers provisions in the speech and the debate clause. Consequently, I have filed an appeal which, according to the Pennsylvania rules of appellate procedure, acts as an automatic stay of the court order.

Senator ZEMPRELLI. Mr. President, I call attention to paragraph (a) of the order which indicates that this court, being of the view that the order entered is interlocutory, will not address the propriety of imposing a supersedeas incident to an appeal.

Mr. President, I also for the record would want to indicate to the Chair that I am not in any way passing upon the merits of what is before us nor do I wish to argue the merits of the order. Nonetheless, there is an order that has been certified, and I will ask the Chair if it is not in receipt of such an order?

The PRESIDENT. For the gentleman's information, the Chair is in receipt of the order but, as I said a moment ago, I have filed an appeal which acts as an automatic stay of the court order.

Senator ZEMPRELLI. Mr. President, if the Chair again would understand that my inquiry is whether you have received the order and the editorial comment as to what the conclusion from that would be I think is improper at this time, although I can understand the expression that the gentleman would make about the opinion. My other question to the Chair is, can I assume that no such resolution will be placed upon today's Calendar by you or the President pro tempore from your knowledge?

The PRESIDENT. Senator, based upon the status of the proceedings as of this moment, the answer to your question would be "no."

Senator ZEMPRELLI. Mr. President, would that mean you will not be placing such a resolution before us before the conclusion of events on November 25, 1986, nor will any other authorized officer of this Senate from your knowledge?

The PRESIDENT. The gentleman has my answer on that which is based upon the status of the proceedings as of this moment, that there are no plans by the Presiding Officer to submit that resolution for the Senate's consideration on today's Calendar.

Senator ZEMPRELLI. Mr. President, does the gentleman, the present Presiding Officer, know whether or not any other Presiding Officer intends to offer such a resolution?

The PRESIDENT. Yes. There are no intentions by any other officer of the Senate.

SPECIAL ORDER OF BUSINESS

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Senator BRIGHTBILL. Mr. President, I move that the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

The PRESIDENT. The gentleman from Westmoreland reminds me that this is a special order of business, Senator Brightbill's request, so I put it under that category.

Senator BRIGHTBILL. Mr. President, I would thank the gentleman from Westmoreland County who has done a fine job in the last two years of keeping me in proper parliamentary procedure.

On the question,

Will the Senate agree to the motion?

REQUEST FOR DEMOCRATIC CAUCUS

Senator ZEMPRELLI. Mr. President, I have been asked by several Members of the Democratic caucus for a short caucus inasmuch as we are going into Executive Nominations on a list that has been supplied late this morning to most of the Members of this caucus.

Senator STAUFFER. Mr. President, I desire to briefly interrogate the Minority Leader, the gentleman from Allegheny, Senator Zemprelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator STAUFFER. Mr. President, could the gentleman advise as to how long he would expect the caucus to last?

Senator ZEMPRELLI. Mr. President, I would suspect not more than fifteen minutes.

RECESS

The PRESIDENT. For the purpose of a caucus of the Democratic Members, 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.

And the question recurring,

Will the Senate agree to the motion that the Senate resolve itself into Executive Session?

The motion was agreed to.

LEGISLATIVE LEAVE

Senator STAUFFER. Mr. President, I would ask for a temporary Capitol leave for Senator Helfrick.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair is pleased to cancel its own temporary Capitol leave, since for those of you who do not know it, I am here.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF 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 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 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.

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

June 11, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert B. Pease, 326 Dewey Street, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

Senator LINCOLN. Mr. President, I rise to ask for a negative vote on the nominations that have just been read. I think the reasons have been articulated rather clearly on this side of the aisle in the last week and a half. We have a brand new Governor who will be coming into office on January 20th, and there is absolutely no reason for these nominations to be sent to us at the late hour that they have been. There is no reflection on any one of the individuals who hopefully will not be confirmed by negative votes cast in a few minutes. I want that very clear that it is an expression of our philosophical belief that Governor-elect Casey should be the person nominating individuals to fill these particular positions. For that reason, I ask for a negative vote.

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, could I have a clarification of the leaves of absence that have been requested by my caucus, please?

The PRESIDENT pro tempore. Senator Jones and Senator Williams are on temporary Capitol leave and Senator Helfrick is on temporary Capitol leave.

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

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

And the question recurring,

Will the Senate advise and consent to the nominations?

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

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

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

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

YEAS—28

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

NAYS—22

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

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:

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.

On the question,

Will the Senate advise and consent to the nomination?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator O'Pake. His leave is cancelled.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—25

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

NAYS—24

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

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

Ordered, That the Governor be informed accordingly.

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

Senator O'PAKE. Mr. President, visiting the Senate Chamber today is a group of fourth graders from the Berks Christian School in Birdsboro, Berks County. They are accompanied by Mrs. Carol Long. I would appreciate if the Chair would extend its usual warm welcome to the fourth grade students from the Berks Christian School who are witnessing what we are doing here today.

The PRESIDENT pro tempore. Would those guests of Senator O'Pake who are in the gallery please rise so that we may welcome you appropriately. Come on kids, stand up.

(Applause.)

GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO SENATE

Senator GREENLEAF. Mr. President, I rise to apprise the Senate that a class from the William Penn Charter School is

visiting us here today, along with their representative, my good friend, Mrs. Mary Dare. I would ask that the Senate give them a warm welcome as well.

The PRESIDENT pro tempore. Would those guests of Senator Greenleaf who are in the gallery please rise so that we may give you a warm welcome.

(Applause.)

RECONSIDERATION OF EXECUTIVE
NOMINATION

NOMINATION LAID ON THE TABLE

Senator BRIGHTBILL. Mr. President, I move that the Senate do now reconsider the vote by which the nomination of Charles M. Marshall, as District Justice in and for the County of Beaver, was just defeated.

The motion was agreed to.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator BRIGHTBILL. Mr. President, I request that the nomination be laid on the table.

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

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE 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
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 Herman Silverman, R. D. 4, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Jones. Her temporary leave is cancelled.

And the question recurring,

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.

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—21

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

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

Ordered, That the Governor be informed accordingly.

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

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

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 Alfred W. Jacobs, Jr., 817 Anthony Drive, Mechanicsburg 17055, Cumberland County, Thirty-first 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?

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I require temporary Capitol leaves on behalf of Senator O'Pake, Senator Early and Senator Fumo.

The PRESIDENT. Any objection to temporary Capitol leaves for Senator O'Pake, Senator Early and Senator Fumo? The Chair hears none. Those leaves are granted.

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

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

YEAS—25

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

NAYS—25

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

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

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION

Senator BRIGHTBILL. Mr. President, I move that the Senate do now reconsider the vote by which the nomination of Alfred W. Jacobs, Jr., as a member of the Pennsylvania Board of Probation and Parole, was just defeated.

The motion was agreed to.

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

LEGISLATIVE LEAVES

Senator MOORE. Mr. President, I request a temporary Capitol leave for Senator Peterson.

The PRESIDENT. Is there objection to a temporary Capitol leave for Senator Peterson? The Chair hears no objection. That leave is granted.

Senator MOORE. Mr. President, I also request a temporary Capitol leave for Senator Shumaker.

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

Senator ZEMPRELLI. Mr. President, I request temporary Capitol leaves for Senator Musto and Senator Andrezeski.

The PRESIDENT. Are there any objections? The Chair hears none. Those leaves are granted.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—26

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

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.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

Senator STAUFFER. Mr. President, at this time I would ask for a recess of the Senate for, first, a very short meeting of the Committee on Rules and Executive Nominations to convene in the Rules Committee room immediately upon the declaration of the recess, followed by a period for lunch and a call for a Republican caucus to convene promptly at 1:45 p.m. in the Majority caucus room, with the expectation of returning to the floor at 2:15 p.m.

Senator ZEMPRELLI. Mr. President, we will meet in caucus immediately after the Committee on Rules and Executive Nominations meeting.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations and for subsequent Republican and Democratic caucuses, the Chair declares the Senate in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair notes the return to the floor of Senator Early whose leave will be cancelled. Senator Andrezeski has returned as has Senator Shumaker, Senator Helfrick and Senator Peterson and their Capitol leaves will be cancelled.

ELECTION OF PRESIDENT PRO TEMPORE FOR THE INTERIM

The PRESIDENT. The next order of business will be the election of an interim President pro tempore as required by Article II, Section 9 of the Constitution of the Commonwealth which requires in part, "The Senate shall, at the beginning and close of each regular session...elect one of its members President pro tempore...."

Before we take up the nominations for the office of the interim President pro tempore, the Chair would like to suggest, if there is no objection, in the event there is only one candidate for the office, the Chair will dispense with the calling of the roll and ask for a voice vote on the nomination. The Chair hears no objection.

The Chair will now accept nominations for the office of interim President pro tempore.

Senator STAUFFER. Mr. President, in selecting our interim President pro tempore, in my judgment, there is probably no substitute for experience, and we do have an experienced President pro tempore who has distinguished himself very well in the position. He has been a very great credit to the Senate of Pennsylvania, and he has administered our affairs effectively, fairly and properly and, with all of those factors in mind and with the recognition of our appreciation of his efforts, I would at this time take great pride and pleasure in offering as the nominee for the position of interim President pro tempore, the gentleman from Blair, Senator Robert C. Jubelirer.

Senator ZEMPRELLI. Mr. President, after my remarks are concluded one will understand that there can be two points of view on a particular situation and arrive at the same result. I am pleased to recommend and second the nomination of Senator Jubelirer, and in all frankness with respect to the same characteristics that were pointed out by the illustrious Majority Leader, I wish, however, that he would put the reso-

lution on the table for us to consider. Having done that, I could think much more highly of this highly qualified young man from Altoona who has a very beautiful mother whom I love more than him, but I am very pleased to say that I think the Senate has been enhanced by his being in the office that he enjoyed, together with the help that he has had. I think we have come a long way, and absent the numbers to do him in in terms of that office, I am very happy to second his nomination, chide him, continue to be his adversary but, nonetheless, to always have the right to respect him for what he is and what he does.

NOMINATIONS CLOSED

The PRESIDENT. Are there any other nominations for the office? The Chair hears none and declares the nominations closed. The nominee for the office of President pro tempore is the Honorable Robert C. Jubelirer of Blair County.

(A voice vote having been taken, the question was unanimously determined in the affirmative.)

The PRESIDENT. The Chair takes pleasure in again declaring Robert C. Jubelirer unanimously elected interim President pro tempore of the Senate of Pennsylvania.

(Applause.)

RETURNS OF ELECTION FOR THE THIRTIETH SENATORIAL DISTRICT

The PRESIDENT. The Chair acknowledges receipt of the certified election returns from the Secretary of the Commonwealth for the Thirtieth Senatorial District for the record. The Chair has also been informed by the Secretary of the Commonwealth that Senator-elect Robert C. Jubelirer has also filed the accounts and affidavits as required by the Act of June 3, 1937, Public Law No. 1333, Section 1632.

The Clerk will read the election returns for the Thirtieth Senatorial District.

The Clerk read the election returns as follows:

IN THE NAME AND BY AUTHORITY OF THE COMMONWEALTH OF PENNSYLVANIA

TO HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, AND THE MEMBERS OF THE SENATE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA,

GREETINGS:

I have the honor to present the official results from the General Election held November 4, 1986, from the various county boards of election for the Office of Senator in the General Assembly of the Thirtieth District of the Commonwealth of Pennsylvania, which remain of record in my office:

Robert C. Jubelirer
Republican

Bedford County	11,744
Blair County	25,243
Fulton County	2,428
Huntingdon County	9,373

Therefore, Robert C. Jubelirer, having received 48,788 votes, was duly elected Senator in the General Assembly for said district.

In addition, I hereby certify that Robert C. Jubelirer has fully complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Day expenses.

(SEAL)

WITNESS my hand and the Great Seal of the Commonwealth of Pennsylvania this 25th Day of November, one thousand nine hundred and eighty-six, and of the Commonwealth the two hundred and twelfth.

ROBERT A. GLEASON, JR.
Secretary of the Commonwealth

ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT. The next order of business will be the administration of the oath of office to the Senator-elect, the Honorable Robert C. Jubelirer. It is an honor and privilege to have with us today the Honorable Richard B. Wickersham, Judge of the Superior Court of the Commonwealth of Pennsylvania, who has kindly consented to administer the oath of office to Senator-elect Robert C. Jubelirer.

The Senate will please rise.

Judge WICKERSHAM. Place your left hand on your Bible and raise your right hand and repeat after me:

I, Robert C. Jubelirer, do solemnly swear, that I will obey and defend the Constitution of the United States of America and the Constitution of Pennsylvania, and discharge the duties of my office with fidelity.

Congratulations.

(Applause.)

COMMITTEE APPOINTED TO ESCORT PRESIDENT PRO TEMPORE-ELECT TO THE ROSTRUM

The PRESIDENT. The next order of business will be the administration of the oath of office to the President pro tempore-elect, the Honorable Robert C. Jubelirer. The Chair takes pleasure in naming his committee to escort the President pro tempore-elect to the rostrum:

The gentleman from Chester, Senator Stauffer; the gentleman from Delaware, Senator Loeper; and the gentleman from Allegheny, Senator Zemprelli.

Will that committee please proceed to escort the Senator to the rostrum.

(Whereupon the President pro tempore-elect was escorted to the rostrum of the Senate.)

ADMINISTRATION OF OATH OF OFFICE TO PRESIDENT PRO TEMPORE-ELECT

The PRESIDENT. It is again an honor and privilege to have with us today the Honorable Richard B. Wickersham, who will administer the oath of office to the President pro tempore-elect, Senator Jubelirer.

The Senate will please rise.

Judge WICKERSHAM. Place your left hand on your Bible and raise your right hand and repeat after me:

I, Robert C. Jubelirer, do solemnly swear, that I will obey and defend the Constitution of the United States and the Constitution of Pennsylvania and discharge the duties of my office with fidelity.

Congratulations.

(Applause.)

REMARKS BY THE PRESIDENT PRO TEMPORE-ELECT

The PRESIDENT pro tempore. Thank you, Judge Wickersham, Governor Scranton and my colleagues. I will save my formal remarks for a later time, but I want to at this time thank the Members of the Senate. It is the greatest honor that any one of us could ever, ever hope to achieve. As I take the oath of office, I take it very seriously, and as I look out over this Body, I can think of no more solemn duty that I have to perform than to preside over this distinguished group of men and women who I believe are the very finest people in this Commonwealth. I thank you for your support, the support that comes from both sides of the aisle, men and women, Democrats and Republicans, who have elected me to lead them is the finest honor that I could ever receive. Thank you very much.

(Applause.)

RECESS

Senator STAUFFER. Mr. President, at this time I would ask for a recess of the Senate for a continuation of the caucus that had begun, and I would ask the Members to report immediately to the Republican caucus room on the first floor.

Senator ZEMPRELLI. Mr. President, my request would be identical. I would ask for us to have an immediate caucus in the Minority caucus room.

The PRESIDENT. For the purpose of Majority and Minority 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.

LEAVE OF ABSENCE

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

HB 1728 CALLED UP OUT OF ORDER

HB 1728 (Pr. No. 4102) — Without objection, the bill was called up out of order, from page 7 of the Third Consider-

ation Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 1728 (Pr. No. 4102) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 24, 1945 (P. L. 991, No. 385), known as the "Urban Redevelopment Law," further providing for the acquisition of blighted property by redevelopment authorities for certain uses and the means of financing the purchase of property; further providing for economic development programs; and further providing for the adoption of redevelopment proposals.

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 Sec. 3, page 5, line 14, by striking out ", (c)(7)"

Amend Sec. 3 (Sec. 12.1), page 5, lines 27 through 30; page 6, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 3 (Sec. 12.1), page 6, lines 4 and 5, by striking out the brackets before "and" in line 4 and after "commission" in line 5

Amend Sec. 3 (Sec. 12.1), page 6, line 9, by striking out the bracket before "(1)"

Amend Sec. 3 (Sec. 12.1), page 6, line 11, by striking out "(1)"

Amend Sec. 3 (Sec. 12.1), page 6, line 24, by striking out the bracket before "(3)"

Amend Sec. 3 (Sec. 12.1), page 6, line 24, by striking out "(2)"

Amend Sec. 5 (Sec. 14), page 7, line 24, by striking out the bracket before "at"

Amend Sec. 5 (Sec. 14), page 7, lines 24 and 25, by striking out "] for such price or prices as the Authority may determine"

Amend Sec. 5 (Sec. 14), page 8, lines 2 and 3, by striking out the bracket before "at" in line 2 and after "interest" in line 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1538 CALLED UP OUT OF ORDER

HB 1538 (Pr. No. 1928) — 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 AMENDED

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 6, by removing the period after "wife" and inserting:

; authorizing and directing The General State Authority and the Department of General Services to remove all restrictions or encumbrances on certain land situate in Philadelphia; and making an appropriation.

Amend Bill, page 4, by inserting between lines 7 and 8:

Section 5. Appropriation.

The sum of \$895,000, or as much thereof as may be necessary, is hereby appropriated to the Department of General Services to transfer to The General State Authority in retirement of the existing principal debt outstanding on General State Authority bonds which funded certain former Commonwealth projects on property described in section 2. This appropriation satisfies the restriction contained in section 6 of the act of December 22, 1975 (P.L.606, No.175), entitled, "An act authorizing and directing the Department of General Services, or such department and The General State Authority, to convey to Philadelphia or transfer jurisdiction within the State government of certain tracts of Commonwealth real property acquired under the act of September 29, 1938 (Sp.Sess., P.L.53, No.21), entitled, as amended, 'An act relating to institutions of counties, cities, wards, boroughs, townships, institution districts and other political subdivisions, for the care, maintenance, and treatment of mental patients; providing for the transfer to the Commonwealth for the care, maintenance and treatment of mental patients of such institutions, and all grounds, lands, buildings and personal property of such political subdivisions used for the care and maintenance of indigent persons connected with such mental institutions; providing for the management and operation or closing and abandonment thereof; and the maintenance of mental patients therein; including the collection of maintenance in certain cases; providing for the retransfer of certain property to counties, cities, wards, boroughs, townships, institution districts and other political subdivisions under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities, wards, boroughs, townships, institution districts and other political subdivisions certain powers and duties; prohibiting cities, counties, wards, boroughs, townships, institution districts and other political subdivisions from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws,' imposing powers and duties on the Department of Environmental Resources in connection with one such tract, and providing for use of land conveyed to the City of Philadelphia."

Section 6. Conveyances of remaining interest.

The Department of General Services and The General State Authority shall convey any remaining interest the Commonwealth may have in the property. The property was partially conveyed by the Commonwealth of Pennsylvania, through the Department of General Services, to the City of Philadelphia by deed dated November 15, 1983, recorded in the Office of the Recorder of Deeds of Philadelphia at Deed Book ALO Vol. 120, Page 405.

Amend Sec. 5, page 4, line 8, by striking out "5" and inserting:

7

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 SALVATORE.

HB 1008 CALLED UP OUT OF ORDER

HB 1008 (Pr. No. 4201) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1008 (Pr. No. 4201) — The Senate proceeded to consideration of the bill, entitled:

An Act 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.

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the

Senate has passed the same with amendments in which concurrence of the House is requested.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator Musto. His leave is cancelled. Senator Andrezeski, we did not have you on leave, but we are happy to have you here anyhow. The Chair notes the presence of Senator O'Pake and his leave is cancelled.

**SPECIAL ORDER OF BUSINESS
REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE 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 J. Welles Henderson, Esquire, 1830 Rittenhouse Square, Philadelphia 19103, Philadelphia County, Eighth 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 John Lane, Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF CLAIMS

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 Barbara Shughart Drake, Esquire, 276 Old Stone House Rd. S., Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Claims, to serve until November 15, 1994, and until her successor is appointed and qualified, vice Fred C. Pace, Esquire, Pottsville, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

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 Carol T. Micciche, 1831 Divot Court, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for reappointment 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.

DICK THORNBURGH.
MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS 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 Robert K. Ross, M.D., 1939 Fawn Drive, Laverock 19118, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1987, or until his successor shall have been duly appointed and qualified, vice Raquel Otero de Yiengst, Sinking Spring, whose term expired.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

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 Floyce D. McCauley, D.O., Star Route, Hilltown 18927, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice A. Archie Feinstein, D.O., Bristol, whose term expired.

DICK THORNBURGH.
MEMBER OF THE BOARD OF PARDONS

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 Henry G. Barr, Esquire, 717 Alberta Avenue, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Pardons, to serve until November 30, 1991, and until his successor is appointed and qualified, vice Frederick W. Hill, Esquire, Pittsburgh, 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 L. Allen, 2 Overlook Drive, Pottsville 17901, Schuylkill County, Twenty-ninth 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 Charles S. Conrad, Jr., Lancaster, whose term expired.

DICK THORNBURGH.
MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT STUDY COMMISSION

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 John Ingram, 9 Clemson Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Public Employee Retirement Study Commission, to serve until October 27, 1992, and until his successor is appointed and qualified, vice Dr. Gilmore B. Seavers, Carlisle, resigned.

DICK THORNBURGH.
MEMBER OF THE ELK COUNTY
BOARD OF ASSISTANCE

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 Betty McFadden Betta (Republican), P. O. Box 76, Weedville 15868, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Elk County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified, to add to complement.

DICK THORNBURGH.
MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

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 Frank A. Ferrari (Democrat), 411 West Third Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified.

DICK THORNBURGH.
MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

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 Nancy A. Forbes (Republican), 700 Park Drive, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND COUNTY BOARD OF ASSISTANCE

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 Louise L. Hubler (Republican), 211 North Franklin Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1986, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND COUNTY BOARD OF ASSISTANCE

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 Donald E. Miller (Republican), 35 Wilson Circle, North Hills, Milton 17847, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1986, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND COUNTY BOARD OF ASSISTANCE

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 Albert Pupo (Republican), 910 Chestnut Street, Kulpmont 17834, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1986, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE NORTHUMBERLAND COUNTY BOARD OF ASSISTANCE

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 Helen R. Rowe (Republican), 1304 Susquehanna Avenue, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Northumberland County Board of Assistance, to serve until December 31, 1987, and until her successor is appointed and qualified.

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 NOMINATION

EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nomination 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 BOARD OF COSMETOLOGY

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 Carol T. Micciche, 1831 Divot Court, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for reappointment 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.

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—49

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

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

HB 1527 CALLED UP OUT OF ORDER

HB 1527 (Pr. No. 4206) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1527 (Pr. No. 4206) — 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 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 ANDREZESKI. Mr. President, House Bill No. 1527 amends the Third Class City Code providing for tax levies to be increased. Specifically, it allows for the local millage to be raised from 25 mills to 30 mills without going to any court. It allows a local third class city government to exceed what we established as the millage limit. I would like to say that for the six years I have been here there has been a lot of talk about tax reform in this Senate, and there has been on many occasions proposals made for tax reform, and House Bill No. 1527 has nothing to do with tax reform. It simply has to do with letting people pay more taxes without any other alternative, without giving any consideration and saying to third class cities that maybe they should tighten their belts, maybe they should have realized that revenue sharing was a priority to be eliminated for the last four years on the federal level. I would like to point out that this is going to be the start of a whole series of legislative proposals for other classes of cities and municipalities to take the limits off of their millage.

I would also point out that what we are providing when we vote for House Bill No. 1527 is a way for our constituents to pay more taxes. It has nothing to do with a tax reform pro-

posal. It has to do with local property tax being raised without any other alternative being addressed. I would like to point out that the local property tax in some years has risen on a national level at a rate of around 10 percent. When we went back and looked at some of the figures compiled by the census bureau during the 1970's, families with low incomes spent up to 16.6 percent of their income on property taxes compared to high income families spending 2.9 percent of their income—obviously a regressive tax.

Many planners and urbanologists have criticized property taxes as a primary cause in deteriorating neighborhoods and as an obstacle to slum rehabilitation. In public opinion surveys, 45 percent of those responding say it is the least fair of all taxes they are asked to pay compared with 19 percent who felt that way about the federal income tax and 13 percent who felt that way about the sales tax. I would also point out, going back a few years, in the Presidential campaign of 1972, the need for property tax reform was the only issue that both Senator McGovern and President Nixon both agreed on. The property tax itself has been in existence in something similar to its present form since the Middle Ages, and anything as deeply ingrained as this will not be dismissed easily, but I think we have an obligation to not keep raising it. I again point out we do have an obligation to those whom we represent in protecting them from a run on taxes. I would also point out that the Members of this Body voted overwhelmingly on two occasions to reduce the personal income tax for our constituents and reduce corporate income taxes for our businesses. Now we turn around at the same time and say we made the hard decision, we made the economies of measure that allowed us to reduce our state tax burden, but now let us open the door to increase the taxes for those whom we represent in third class cities. I think this has a certain amount of inconsistency to it. I think this is the first of a long series of bills that will say give us an option. I am not against giving local taxing authorities an option. On our Calendar we have an option providing for the imposition of taxes on earned income by school districts which eliminates real property taxes, but next to that bill is a notation saying it is going to be taken over. Essentially, it is the same thing that has been offered by the gentleman from Allegheny, Senator Early, on many occasions as a bill and as an amendment, which has been taken over or voted down or shifted around and never acted upon. For us to just completely ignore true tax reform and tell local governments here is a chance to gouge those that live in the city for another five mills without any economy of scale on their part, simply is unnecessary, simply is unfair and there is a certain amount of incongruity with a legislative Body that in other years has reduced taxes for these same citizens. I am voting against House Bill No. 1527 for those reasons, and I would ask my colleagues to think long and hard before they open the door for third class cities and then start opening the door for townships and municipalities which are looking for their reasons other than economies of scale to raise taxes. Thank you, Mr. President, and I would like to be recorded in the negative on this bill.

Senator EARLY. Mr. President, I rise in opposition to this legislation. Needless to say, anyone who has been against property taxes would certainly be against this particular bill. I can see what is coming, Mr. President, and I know the argument tonight is it is only for one year; this is a tax that is only an emergency tax for just one year. Next year, Mr. President, I will not be here, but I am surmising what will happen next year is, while we are not increasing the tax, we are only going to maintain the tax that we already have. That game has been played time and time again on the floor of this Senate and on the floor of the House, so do not believe for one second this is not a tax increase and do not believe for one second this is a temporary tax. Mr. President, that does not exist. I encourage my colleagues to definitely vote against this particular piece of legislation.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Fumo and Senator Jones. Their leaves are cancelled.

And the question recurring,
Shall the bill pass finally?

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

YEAS—40

Armstrong	Howard	Moore	Shaffer
Bell	Jones	Musto	Shumaker
Bodack	Jubelirer	Pecora	Singel
Brightbill	Kelley	Peterson	Stauffer
Corman	Lewis	Rhoades	Stout
Fisher	Lincoln	Rocks	Tilghman
Fumo	Loeper	Romanelli	Wenger
Greenleaf	Lynch	Ross	Williams
Holl	Madigan	Salvatore	Wilt
Hopper	Mellow	Scanlon	Zemprelli

NAYS—9

Andrezeski	Helfrick	Kratzer	Reibman
Early	Hess	O'Pake	Stapleton
Hankins			

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 1642 CALLED UP OUT OF ORDER

HB 1642 (Pr. No. 4202) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1642 (Pr. No. 4202) — 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; and providing for the establishment of an Emergency Bond Fund for anthracite deep mine operators.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Musto

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 2274 CALLED UP OUT OF ORDER

HB 2274 (Pr. No. 4099) — Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2274 (Pr. No. 4099) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," adding definitions; further providing for the definition of "solid waste;" further providing for powers and duties of the department and of the Environmental Quality Board; and providing for certain handling of coal ash.

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

NAYS—0

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

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

REPORTS OF COMMITTEES OF CONFERENCE

REPORTS ADOPTED

HB 35 (Pr. No. 4160) — The Senate proceeded to consideration of the bill, entitled:

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

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 35.

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

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

YEAS—49

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

NAYS—0

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

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

SB 483 (Pr. No. 2579) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain insurance rates for motor vehicles equipped with a passive restraint system; and further providing for the use of restraining systems and for certain civil immunity.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 483.

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

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

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

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

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

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

Senator SALVATORE. 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 taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—31

Andrezeski	Holl	Musto	Shumaker
Armstrong	Howard	O'Pake	Singel
Bell	Jones	Reibman	Stapleton
Early	Jubelirer	Rocks	Stout
Fisher	Lewis	Romanelli	Williams
Fumo	Lincoln	Ross	Wilt
Hankins	Loeper	Scanlon	Zemprelli
Helfrick	Mellow	Shaffer	

NAYS—18

Bodack	Hopper	Moore	Salvatore
Brightbill	Kelley	Pecora	Stauffer
Corman	Kratzer	Peterson	Tilghman
Greenleaf	Lynch	Rhoades	Wenger
Hess	Madigan		

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 1276 (Pr. No. 2565) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of handicapped plates and veterans plates and for the use of school bus plates; providing for plates for the hearing impaired; further providing for the schedule of convictions and points, for the surrender of license, for the period of suspension or revocation, for driving while operating privileges are suspended and for exemption from certain title and registration fees; further providing for certain vehicles to stop at railroad crossings, for penalties for accidents involving death or personal injury, for investigation of certain accidents, for lighted head lamps on school buses and for certain visual signals on certain emergency vehicles; increasing

income levels for the emission inspection program; further providing for combinations, for length of vehicles, for penalties for weight violations and for the weighing of vehicles; and providing for emergency telephones along the Pennsylvania Turnpike.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 1276.

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

Senator BELL. Mr. President, although there are many good points in this bill, this is really a Christmas tree bill. There is something in this bill that is very, very wrong. This bill—and I refer to page 18, section 4938—will permit 102 inch wide trailers to travel the roads from the big interstates to a point of loading or unloading which can safely and reasonably be accessed. It does not say who determines that it can be safely accessed. We have had a horrible record, as far as these big interstate trucks, of killing people on our highways in Pennsylvania. These safe access decisions will be made by the drivers. In a recent check of those trucks that were stopped, 35 percent were taken off the road because of driver defects or equipment defects, but to each one of those drivers they were safe. People have been killed.

I am going to put to this Senate the realization that many, many of our roads are eighteen feet wide. This will permit trailers eight feet and six inches wide to go down these eighteen foot wide roads. I am going to tell you something. This is an open invitation to highway murder.

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

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

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

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

Senator SHAFFER. 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 taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—31

Andrezeski	Holl	Loeper	Ross
Armstrong	Hopper	Lynch	Singel
Bodack	Howard	Madigan	Stout
Corman	Jones	Mellow	Wenger
Fumo	Jubelirer	Musto	Williams
Hankins	Kelley	Peterson	Wilt
Helfrick	Lewis	Rhoades	Zemprelli
Hess	Lincoln	Rocks	

NAYS—18

Bell	Kratzer	Romanelli	Shumaker
Brightbill	Moore	Salvatore	Stapleton
Early	O'Pake	Scanlon	Stauffer
Fisher	Pecora	Shaffer	Tilghman
Greenleaf	Reibman		

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

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

HB 1921 (Pr. No. 4161) — The Senate proceeded to consideration of the bill, entitled:

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

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1921.

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

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

YEAS—49

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

NAYS—0

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

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

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTS
SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 2174 (Pr. No. 4025) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for continuing professional development plans and requirements; further providing for compulsory school attendance requirements; prohibiting the refusal to enroll students because of race or color; and further specifying requirements for high school certificates.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 2174.

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

LEGISLATIVE LEAVE

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

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

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

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

YEAS—49

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

NAYS—0

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

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 628 (Pr. No. 2556) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Corrections and the Governor, to convey to the Montgomery County Farm, Home and 4-H Foundation, 13.617 acres of land, more or less, situate in Skippack Township, Montgomery County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land situate in Philadelphia County, Pennsylvania, to Self Help Movement, Inc., a not-for-profit corporation; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a tract of land in Newtown Township, Bucks County, to the Township of Newtown.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 628.

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

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

YEAS—49

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

NAYS—0

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

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

SB 1182 CALLED UP OUT OF ORDER

SB 1182 (Pr. No. 2557) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE AMENDS HOUSE AMENDMENTS

SB 1182 (Pr. No. 2557) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing standards and qualifications by which local tax authorities in counties of the first and second class may make special real property tax relief provisions.

MOTION TO SUSPEND RULES

Senator STAUFFER. Mr. President, I move that Senate Rule XV be suspended for the purpose of offering an amendment to House amendments to Senate Bill No. 1182.

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—49

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

NAYS—0

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

The PRESIDENT pro tempore. Senate Rule XV is suspended.

**SALVATORE AMENDMENT I TO
HOUSE AMENDMENTS**

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

Amend Sec. 3, page 2, lines 17 and 18, by striking out all of said lines

Amend Sec. 4, page 3, lines 12 through 15, by striking out "CAUSED" in line 12, all of lines 13 and 14 and "MARKET VALUE IN ONE YEAR" in line 15 and inserting: due to an increase in the market value of the real property

On the question,

Will the Senate agree to the Senate amendment to House amendments?

It was agreed to.

On the question,

Will the Senate concur in House amendments as amended by the Senate?

**SALVATORE AMENDMENT II TO
HOUSE AMENDMENTS**

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

Amend Bill, page 2, by inserting between lines 12 and 13:

Section 3. Legislative intent.

It is the intention of the General Assembly that any deferral or exemption of the payment of a portion of increase of real estate taxes pursuant to this act shall not in any manner affect payments by the Commonwealth for education purposes to which the school district is entitled.

Amend Sec. 3, page 2, line 13, by striking out "3" and inserting: 4

Amend Sec. 3, page 2, lines 17 and 18, by striking out all of said lines

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

Amend Sec. 4, page 3, line 13, by striking out "ADJUSTED"

Amend Sec. 4, page 3, line 14, by striking out "ADJUSTED"

Amend Sec. 5, page 4, line 3, by striking out "5" and inserting: 6

Amend Sec. 6, page 4, line 28, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the Senate amendment to House amendments?

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 1182 will go over, as amended.

SB 1373 CALLED UP OUT OF ORDER

SB 1373 (Pr. No. 2548) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

**SENATE CONCURS IN HOUSE AMENDMENTS
IN PART**

SB 1373 (Pr. No. 2548) — 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," adding and changing definitions relating to crime victims' compensation; further providing for eligibility for crime victims' compensation and for awards; providing for the responsibilities of providers of service to crime victims; further providing for the allocation of certain funds; extending the limitations period for the filing of claims for crime victims' compensation by child victims; providing for the visitation of prisons; and continuing the Crime Victim's Compensation Board.

QUESTION DIVIDED

Senator STAUFFER. Mr. President, I move to concur in the amendments placed by the House in Senate Bill No. 1373 with all but Section 7, which begins on line 11 of page 7 of the bill and ends on line 21 on page 9 of the bill.

The PRESIDENT pro tempore. The Chair would rule that that is divisible and put the motion before the Body. Senator Stauffer moves that the Senate do concur in amendments placed by the House of Representatives in Senate Bill No. 1373, with the exception of the section which begins with Section 7 on line 11 on page 7 of the bill and going over to and including line 21 on page 9 of the bill.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

Senator STAUFFER. Mr. President, I move that the Senate nonconcur in the amendments placed by the House in Section 7 of Senate Bill No. 1373 as heretofore described.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

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

SB 934 CALLED UP OUT OF ORDER

SB 934 (Pr. No. 2497) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

BILL LAID ON THE TABLE

SB 934 (Pr. No. 2497) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring notices to policyholders relating to the servicing of policies; requiring health insurance policies to cover cancer treatment; further providing for investments; requiring alcohol abuse and dependency coverage; providing for the writing of liability insurance in areas where liability insurance is difficult to obtain; creating the Joint Underwriting Association for general liability insurance as a legal entity and conferring upon it rights, obligations, powers and duties; giving the Insurance Department powers and duties; providing for disclosure of certain loss and expense information; requiring experience rating; requiring notice of intention to withdraw from writing insurance; providing procedures for the review of rates; and providing a civil penalty.

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

SB 1125 CALLED UP OUT OF ORDER

SB 1125 (Pr. No. 2554) — Without objection, the bill was called up out of order, from page 3 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1125 (Pr. No. 2554) — The Senate proceeded to consideration of the bill, entitled:

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

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1125.

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

Table listing names of Senators who voted 'Yeas' for SB 1125, including Andrezeski, Hess, Mellow, Scanlon, Armstrong, Holl, Moore, Shaffer, Bell, Hopper, Musto, Shumaker, Bodack, Howard, O'Pake, Singel, Brightbill, Jones, Pecora, Stapleton, Corman, Jubelirer, Peterson, Stauffer, Early, Kratzer, Reibman, Stout, Fisher, Lewis, Rhoades, Tilghman, Fumo, Lincoln, Rocks, Wenger, Greenleaf, Loeper, Romanelli, Williams, Hankins, Lynch, Ross, Wilt, Helfrick, Madigan, Salvatore, Zemprelli.

NAYS—1

Kelley

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 1484 CALLED UP OUT OF ORDER

SB 1484 (Pr. No. 2464) — Without objection, the bill was called up out of order, from page 4 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1484 (Pr. No. 2464) — The Senate proceeded to consideration of the bill, entitled:

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

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1484.

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

Table listing names of Senators who voted 'Yeas' for SB 1484, including 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, Lewis, Rhoades, Tilghman, Fumo, Lincoln, Rocks, Wenger, Greenleaf, Loeper, Romanelli, Williams, Hankins, Lynch, Ross, Wilt, Helfrick, Madigan, Salvatore, Zemprelli, Hess.

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER TEMPORARILY

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

THIRD CONSIDERATION CALENDAR

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

HB 146 (Pr. No. 4197) — The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS

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 1160, 1362 and 1498**, which were placed on the Calendar.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 141, 188, 278, 459, 607, 821, 2199 and 2606**.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1141, 1448 and 1467**, 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.

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AMENDED

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 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 institutions; 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.

Considered the third time,

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

LINCOLN AMENDMENT OFFERED

Senator **LINCOLN**, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 16, by inserting after "**APPROPRIATION**": providing for the imposition of taxes on earned income by school districts which eliminate real property taxes;

Amend Sec. 1, page 4, lines 17 and 18, by striking out "**A SECTION**" and inserting: sections

Amend Sec. 1, page 4, by inserting between lines 18 and 19:

Section 680.1. School District Option.—(a) Any school district subject to the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," which has levied any real property tax under this act during the 1986-1987 fiscal year, after the will of the electors of the school district is determined in the affirmative by referendum, shall repeal any such real property tax and may in lieu thereof levy, assess and collect an additional tax on wages, salaries, commissions and other earned income of individuals. Such tax on earned income shall be in addition to any other tax on earned income authorized by any other act. The levy, assessment and collection of such additional tax on earned income shall be done in accordance with the provisions of "The Local Tax Enabling Act" which are incorporated herein by reference. Revenues derived from the tax authorized by this section shall be for the sole use of the school district.

(b) Whenever electors equal to at least five per centum of the highest vote cast for any school director at the last preceding municipal election in any school district described in subsection (a), or the school board of any such district, files a petition with the county board of elections of the county for a referendum on the question of the will of the electors with respect to the levy, assessment and collection for the sole use of the school district, of an additional tax upon earned income in lieu of a real property tax, but not oftener than once every five years, the county board

of elections shall cause the question to be placed on the ballot and submitted at the next municipal primary election more than sixty (60) days after the petition is filed. These proceedings shall be in the same manner and subject to the provisions of the election laws insofar as such provisions are applicable.

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

Do you favor the imposition of an additional school tax upon earned income, in lieu of a real property tax?

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

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, the amendment that I offer is identical to the amendment that was offered to a bill here last Thursday evening by the gentleman from Allegheny, Senator Early, which was agreed to at that particular time. It is an amendment that deals with a very serious problem throughout the Commonwealth, that of the property tax being used to fund our public schools. The fight has been led by the gentleman from Allegheny, Senator Early, here in the Senate for a number of years. Earlier on the gentleman from Chester, Senator Stauffer, was one of the strong proponents of this type of legislation. What this amendment would do is allow a school district the right to enact a personal income tax in the amount of property taxes that they are now levying on their residents in their school districts. In many areas of the state the property tax for the purposes of funding education is killing any growth and is really causing a lot of serious economic grief for people who are unemployed and other people who have low incomes. I would urge a positive vote on this amendment.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Fayette, Senator Lincoln, on the amendment.

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

Senator LINCOLN. I will, Mr. President.

Senator KELLEY. Mr. President, in the amendment you permit the local school districts to levy an income tax in lieu of the real estate. Is that correct?

Senator LINCOLN. Yes, Mr. President.

Senator KELLEY. Mr. President, do you distinguish the real estate tax that is being supplemented by an income tax between the commercial, industrial and residential properties or do you just take the totality of the real estate tax?

Senator LINCOLN. Mr. President, I believe it is just in the totality.

Can we be at ease for just one second, Mr. President?

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

(The Senate was at ease.)

LINCOLN AMENDMENT WITHDRAWN

Senator LINCOLN. Mr. President, there seems to be some problem in the manner in which the amendment was drafted. It does apply in the totality as the question was put forth by the gentleman from Westmoreland, and that was not the intention of this by the offerer of the amendment, so I will withdraw the amendment at this point.

And the question recurring,

Will the Senate agree to the bill on third consideration?

ARMSTRONG AMENDMENT

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

Amend Title, page 1, line 6, by inserting after "ACADEMIES": permitting certain transfer students to play interscholastic sports.

Amend Bill, page 4, lines 16 through 18, by striking out all of said lines and inserting:

Section 1. Section 511 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a subsection to read:

Section 511. School Athletics, Publications, and Organizations.—

(b.2) No student, transferring from a private school shall be placed on probation or prohibited from participation in interscholastic sports sponsored by or under the auspices of Pennsylvania Interscholastic Athletic Association, if the transferring student did not participate in interscholastic athletics during the prior or current academic school year while attending the private school.

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

Amend Sec. 2, page 7, line 6, by striking out "2" and inserting:

3

Amend Sec. 3, page 10, line 22, by striking out "3" and inserting:

4

Amend Sec. 4, page 14, line 4, by striking out "4" and inserting:

5

Amend Sec. 5, page 14, line 8, by striking out "5" and inserting:

6

Amend Sec. 6, page 14, line 29, by striking out "6" and inserting:

7

Amend Sec. 7, page 16, line 24, by striking out "7" and inserting:

8

Amend Sec. 8, page 17, line 14, by striking out "8" and inserting:

9

Amend Sec. 9, page 21, line 13, by striking out "9" and inserting:

10

Amend Sec. 10, page 21, line 21, by striking out "10" and inserting:

11

Amend Sec. 11, page 21, line 30, by striking out "11" and inserting:

12

Amend Sec. 12, page 22, line 2, by striking out "12" and inserting:

13

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 third consideration, as amended?

WENGER AMENDMENT

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

Amend Title, page 1, line 16, by inserting after "APPROPRIATION": authorizing the State System of Higher Education to enter into contracts for maintenance projects;

Amend Bill, page 16, by inserting between lines 23 and 24:

Section 7. Section 2001-A of the act is amended by adding a clause to read:

Section 2001-A. Definitions.—The following words and phrases when used in this article shall, for the purpose of this article, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

(19) "Maintenance projects" shall mean those activities, materials, labor and contracts necessary to replace, restore, refurbish or enhance real property (except for architectural or engineering considerations) to include the following: painting; window repair and replacement; roof repair and replacement; repointing and masonry repair; downspout and gutters; landscaping; roadways, parking facilities, track and athletic court resurfacing and reconstruction; sidewalk and curbing reconstruction and replacement; asbestos abatement (in accordance with all State and Federal statutes and regulations); caulking and insulation; and replacement, reconstruction and construction of non-load bearing walls. The Department of General Services may define additional maintenance projects on a case-by-case basis. No such project shall affect the structural integrity of any existing facility or utility system.

Section 8. The act is amended by adding a section to read:

Section 2003-A.1. Contracts for Maintenance Projects.—

(a) The State System of Higher Education is hereby authorized to execute contracts without regard to the source of funds necessary for the performance of maintenance projects to the extent that each contract does not exceed one hundred thousand dollars (\$100,000). Prior to bidding, a contract which exceeds the amount authorized by this section shall be presented to the Department of General Services for ninety (90) days for review and approval or disapproval. All contracts, regardless of their amount, shall be recorded with the Department of General Services.

(b) Upon the request of the Department of General Services, the State System of Higher Education shall provide updated plans, drawings and specifications for any contracted work.

(c) For maintenance projects not authorized by this act and for any contracts involving architectural or engineering considerations, contract specifications must be reviewed and approved by the Department of General Services.

(d) Upon the request of the State System of Higher Education, the Department of General Services shall execute and administer, without charge, contracts for maintenance projects.

Amend Sec. 7, page 16, line 24, by striking out "7" and inserting: 9

Amend Sec. 8, page 17, line 14, by striking out "8" and inserting: 10

Amend Sec. 9, page 21, line 13, by striking out "9" and inserting: 11

Amend Sec. 10, page 21, line 21, by striking out "10" and inserting: 12

Amend Sec. 11, page 21, line 30, by striking out "11" and inserting: 13

Amend Sec. 12, page 22, line 2, by striking out "12" and inserting: 14

Amend Sec. 12, page 22, line 3, by striking out "8" and inserting: 10

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

Senator WENGER. Mr. President, the amendment authorizes the State System of Higher Education to do maintenance projects up to a \$100,000 threshold. Presently, the threshold is at \$25,000. We have worked on this issue.

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

The PRESIDENT pro tempore. House Bill No. 322 will go over, as amended.

BILLS LAID ON THE TABLE

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, Printer's No. 2563, be laid on the table.

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

Senator HANKINS. Mr. President, I request a slow roll call.

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

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

YEAS—25

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

NAYS—22

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

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

The PRESIDENT pro tempore. Senate Bill No. 439 will be laid on the table.

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 move that House Bill No. 991, Printer's No. 1128, be laid on the table.

On the question,

Will the Senate agree to the motion?

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

The PRESIDENT pro tempore. That is not the motion. Senator Stauffer has moved that House Bill No. 991 lie on the table.

Senator ZEMPRELLI. 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 ZEMPRELLI. Mr. President, I would object to House Bill No. 991 being placed upon the table. Mr. President, I would like to be recognized.

The PRESIDENT pro tempore. It is not debatable, but you certainly may be recognized.

Senator ZEMPRELLI. Mr. President, the only purpose for which I would object is to give the gentleman from Allegheny, Senator Romanelli, the opportunity to offer amendments.

The PRESIDENT pro tempore. The motion is to table.

And the question recurring,

Will the Senate agree to the motion?

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

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

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

Senator KELLEY. 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	Hess	Madigan	Shaffer
Bell	Holl	Moore	Shumaker
Brightbill	Hopper	Pecora	Stauffer
Corman	Howard	Peterson	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Loeper	Salvatore	Wilt

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 be laid on the table.

HB 1474 (Pr. No. 4203) — 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; providing for alternate security for performance of contracts; and further providing for the sale of certain unimproved land by the Department of Transportation.

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

SB 1520 (Pr. No. 2539) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the education of exceptional children in approved institutions; and making an appropriation.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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

NAYS—0

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

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

SB 1548 (Pr. No. 2197) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard and Recovery Act," extending the definition of "municipality" to include authority.

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

NAYS—0

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

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

BILLS LAID ON THE TABLE

SB 1652 (Pr. No. 2572) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted and amended, "Regulatory Review Act," further providing for the membership of the Independent Regulatory Review Commission, for conflict of interest provisions and for the procedure for regulatory review; providing for classification of documents; providing for sunset review for the commission; and providing for gubernatorial review of administrative agency action.

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

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.

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

LEGISLATIVE LEAVE

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

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL LAID ON THE TABLE

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.

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

SURPLUS PROPERTY DISPOSITION PLAN

NO. 1, RESOLUTION A, CALLED UP

Senator STAUFFER, without objection, called up from page 8 of the Calendar, Surplus Property Disposition Plan No. 1, Resolution A, entitled:

Resolved, That Surplus Property Disposition Plan No. 1 of 1986, transmitted by the Governor under the Administrative Code of 1929 to the General Assembly under date of November 17, 1986, which is incorporated herein by reference be approved.

On the question,
Will the Senate adopt the resolution?

SURPLUS PROPERTY DISPOSITION PLAN

NO. 1, RESOLUTION A, ADOPTED

Senator STAUFFER. Mr. President, I move the Senate do adopt Surplus Property Disposition Plan No. 1, Resolution A.

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—49

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

NAYS—0

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

SUPPLEMENTAL CALENDAR NO. 1

SB 1141 CALLED UP OUT OF ORDER

SB 1141 (Pr. No. 2574) — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1141 (Pr. No. 2574) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the certification and recertification of assessors; establishing eligibility and training requirements; defining the powers and duties of the State Tax Equalization Board relating to training, certification and recertification of assessors; and authorizing the board to establish fees.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1141.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I wonder if either the sponsor of the bill, the gentleman from Montgomery, Senator Tilghman, or the Majority Leader would explain the bill.

Senator STAUFFER. Mr. President, the gentleman from Montgomery, Senator Tilghman, would be happy to endeavor to handle that interrogation.

Senator ZEMPRELLI. Mr. President, my request was in the alternative.

The PRESIDENT pro tempore. Would the gentleman from Montgomery, Senator Tilghman, consent to interrogation?

Senator TILGHMAN. I will, Mr. President.

The PRESIDENT pro tempore. Senator Tilghman, Senator Zempirelli wishes to interrogate you on the motion to concur in House amendments in Senate Bill No. 1141.

Senator ZEMPRELLI. Mr. President, all I want the gentleman to do is to explain what the amendments do.

The PRESIDENT pro tempore. Senator Tilghman, would you explain the bill to the membership?

Senator TILGHMAN. Mr. President, this is legislation that certifies assessors and it came from the State Assessors Association originally. It passed the Senate and went to the House, and they put some various amendments in it. My staff checked with the assessors board in Pennsylvania, a Mr. Charles Muth, and they agreed to the amendments that were put in the bill by the House. I have a marked bill if you would like to see the amendments. I do not think they are very earth shattering.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVE

Senator STAUFFER. Mr. President, I would ask for a temporary Capitol leave for Senator Pecora.

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

LEGISLATIVE LEAVE CANCELLED

Senator STAUFFER. Mr. President, I would ask that the temporary Capitol leave for Senator Fisher be cancelled.

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

SUPPLEMENTAL CALENDAR NO. 1 RESUMED

SB 1467 CALLED UP OUT OF ORDER

SB 1467 (Pr. No. 2573) — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1467 (Pr. No. 2573) — The Senate proceeded to consideration of the bill, entitled:

An Act 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 employee 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.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1467.

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

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

NAYS—0

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 595 CALLED UP

HB 595 (Pr. No. 4156) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Final Passage Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL LAID ON THE TABLE

HB 595 (Pr. No. 4156) — The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, I move that House Bill No. 595, Printer's No. 4156, be laid on the table.

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

Senator TILGHMAN. Mr. President, I object to the motion to table House Bill No. 595.

The PRESIDENT pro tempore. There is an objection. Do you want a roll call, Senator?

Senator TILGHMAN. 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 TILGHMAN. Mr. President, record me in the negative and you can take a voice 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—46

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

NAYS—3

Andrezski	Kratzer	Tilghman
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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. 595 will be laid on the table.

SUPPLEMENTAL CALENDAR NO. 2

HB 1160 CALLED UP OUT OF ORDER

HB 1160 (Pr. No. 4198) — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

HB 1160 (Pr. No. 4198) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the disposition of dependent children; providing for damages in civil actions on bad checks; and providing for limited civil immunity for volunteer firefighters.

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1160.

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

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

NAYS—0

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

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

RECESS

Senator STAUFFER. Mr. President, at this time I request a recess of the Senate for a period of ten minutes, and I would request all the Members to please remain available so we can reconvene very shortly. This will be just a brief ten minute recess.

The PRESIDENT pro tempore. Senator Stauffer has requested a ten minute recess of the Senate and asks that all Members stand by so that we may convene as quickly as possible in order to continue to work on the Calendar.

Senator ZEMPRELLI. Mr. President, as the Republicans have asked for a recess, I would ask the Democratic Members to join me in the caucus room for just a short discussion.

The PRESIDENT pro tempore. Senator Zemprelli has asked for a short discussion of the Democratic Members of the Senate in their caucus room at the rear of the Senate Chamber. The Senate will stand in recess.

AFTER RECESS

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

RECESS

The PRESIDENT pro tempore. For the information of the Members, the Senate will stand in recess until 10:15 p.m. at which time we would request that all Members of the Senate be prepared to resume the Calendar of the day. The Senate will stand in recess until 10:15 p.m.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 41, 42, 147, 241, 247, 293, 1735, 1776, 2099, 2474 and 2594.**

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on **SB 1276.**

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 408.**

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **House Concurrent Resolution No. 348.**

GENERAL COMMUNICATION

REPORT OF THE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE PURSUANT TO SENATE RESOLUTION NO. 100

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

SENATE OF PENNSYLVANIA

November 25, 1986

The Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
292 Main Capitol Building
Harrisburg, PA 17120

Re: Senate Resolution 100

Dear Senator Jubelirer:

Under the provisions of Senate Resolution 100, the Senate Environmental Resources and Energy Committee is required to report its findings on the Pennsylvania coal mining regulatory program to the Senate by the end of the current legislative session. As Chairman, I wish to report that the preparation of the committee report is currently an ongoing matter with staff in the process of finalizing the report for review and consideration by the committee members.

A report on the committee's findings, as set forth in Senate Resolution 100, will be submitted to the Senate in the forthcoming legislative session.

Thank you for your attention to this matter.

Very truly yours,
D. MICHAEL FISHER
Chairman,
Environmental Resources
& Energy Committee

BILLS INTRODUCED AND REFERRED

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

November 25, 1986

Senator HOLL presented to the Chair **SB 1724**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing that no tax shall be imposed on sales by volunteer firemen's, ambulance or rescue organizations.

Which was committed to the Committee on FINANCE, November 25, 1986.

Senator HOLL presented to the Chair **SB 1725**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Agriculture, to convey to the Department of Environmental Resources the Norristown State Farm Property situate in Montgomery County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, November 25, 1986.

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

The PRESIDENT pro tempore. The Chair wishes to announce he has made the following appointment:

Senator John J. Shumaker as a member of the Advisory Committee on Probation and Parole.

SUPPLEMENTAL CALENDAR NO. 2 RESUMED

HB 1362 CALLED UP

HB 1362 (Pr. No. 4196) — Without objection, the bill was called up, from page 1 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

HB 1362 (Pr. No. 4196) — The Senate proceeded to consideration of the bill, entitled:

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

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1362.

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

Senator ZEMPRELLI. Mr. President, I know that Senator Bodack had an interest in this bill and I am not sure how he would want to vote on it.

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

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

YEAS—48

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

NAYS—0

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

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

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Salvatore has been called to his office and I would ask for a temporary Capitol leave on his behalf.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Pecora is back on the floor. His leave will be cancelled.

SUPPLEMENTAL CALENDAR NO. 2 RESUMED

HB 1498 CALLED UP

HB 1498 (Pr. No. 4171) — Without objection, the bill was called up, from page 1 of the Calendar, under Report of Committee of Conference, by Senator STAUFFER, as a Special Order of Business.

REPORT ADOPTED

HB 1498 (Pr. No. 4171) — The Senate proceeded to consideration of the bill, entitled:

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

Senator STAUFFER. Mr. President, I move the Senate adopt the Report of Committee of Conference on House Bill No. 1498.

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

Senator BRIGHTBILL. Mr. President, House Bill No. 1498 is intended to clarify the authority granted by the General Assembly in 1978 to the Commission on Sentencing in Section 2154 of Title 42. In 1982, the commission developed sentencing guidelines in accordance with the Legislature's directives, and the Legislature reviewed and approved these guidelines. The problem is that some people think that the current Title 42, Section 2154, is ambiguous. The guidelines currently recommend longer sentences for defendants who have a record of non-weapon misdemeanors or a record of juvenile adjudications for felonies. Some courts have said that we did not want the guidelines to include these kinds of prior records. In 1978, and again in 1982, the Legislature did want people who had serious juvenile records and prior misdemeanor convictions to be treated more severely than first offenders are treated. This bill makes that clear.

Some judges have also said that the term "possessed a deadly weapon," as used in the guidelines, is unclear. This bill provides a clear and concise definition of "possessed a deadly weapon." This will make sure that people who possess a deadly weapon during commission of a crime regardless of whether it is visible are treated more severely than if they did not have a weapon.

Furthermore, this act makes clear that any crime committed prior to the instant offense can be used in calculating the prior record score so long as the person has been convicted of the prior offense before the time of sentencing.

By saying more clearly what must be included in the sentencing guidelines, House Bill No. 1498 will prevent problems in interpretation and will allow the guidelines as they are presently written to withstand challenges in the courts.

The PRESIDENT pro tempore. The Chair thanks the gentleman for his most poignant and sensitive remarks.

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

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

YEAS—48

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

Helfrick Madigan Salvatore Zemprelli
NAYS—1

Jones

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.

RECONSIDERATION OF HB 1362

REPORT ADOPTED

HB 1362 (Pr. No. 4196) — Senator STAUFFER. Mr. President, I move the Senate do now reconsider the vote by which the Report of Committee of Conference on House Bill No. 1362, Printer's No. 4196, was just adopted.

The motion was agreed to.

And the question recurring,

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

Senator SALVATORE. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator Mellow.

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

Senator MELLOW. I will, Mr. President.

Senator SALVATORE. Mr. President, the gentleman from Lackawanna, Senator Mellow, and I were both on the Committee of Conference on House Bill No. 1362, and I know that we have had differences between—we will call them—the straights and the mixers. They tried to work things out, I think, to satisfy everyone at that time. I appreciate the work that was done by the conferees and also by the people who brought this thing together, but my question to the gentleman is—and I will call them the straights—if they needed more time for accreditation—we have given them five years for accreditation that we transferred over to the Department of Education—but in the event they would need an extra year or so, providing they were doing the right things and working towards accreditation, is it the intent of the Legislature to give them more time?

Senator MELLOW. Mr. President, it is my understanding as a Member of the Committee of Conference that the school that is in question the gentleman from Philadelphia, Senator Salvatore, is talking about, that the way the Committee of Conference report is currently written, they will have five years for accreditation and that accreditation will be worked through the state Department of Education. If, in fact, that school is showing good faith in providing for the proper type of curriculum that will lead to accreditation and an additional two years or so may be needed before that accreditation can be received, then it would be the legislative intent of those of us working as conferees on this particular bill that they should be given that additional time.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

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

SUPPLEMENTAL CALENDAR NO. 2 RESUMED

SB 1448 CALLED UP

SB 1448 (Pr. No. 2575) — Without objection, the bill was called up, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1448 (Pr. No. 2575) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 30, 1963 (P. L. 362, No. 193), entitled "An act authorizing an incoming Governor to arrange for temporary staffing to expedite the transition of government, and providing for an appropriation in certain years," further providing for transitional expenses; authorizing transitional expenses for the outgoing Governor; 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. 1448.

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

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

NAYS—0

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

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

SUPPLEMENTAL CALENDAR NO. 3

HB 1538 CALLED UP

HB 1538 (Pr. No. 4210) — 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 1538 (Pr. No. 4210) — 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; and authorizing and directing The General State Authority and the Department of General Services to remove all restrictions or encumbrances on certain land situate in Philadelphia; and making an appropriation.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 1728 CALLED UP

HB 1728 (Pr. No. 4209) — 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 1728 (Pr. No. 4209) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 24, 1945 (P. L. 991, No. 385), known as the "Urban Redevelopment Law," further providing for the acquisition of blighted property by redevelopment authorities for certain uses and the means of financing the purchase of property; further providing for economic development programs; and further providing for the adoption of redevelopment proposals.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Corman

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.

SUPPLEMENTAL CALENDAR NO. 4

SB 1182 CALLED UP

SB 1182 (Pr. No. 2582) — Without objection, the bill was called up, from page 1 of the Calendar, under Bill on Concur-

rence in House Amendments as Amended by the Senate, by Senator STAUFFER, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SB 1182 (Pr. No. 2582) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing standards and qualifications by which local tax authorities in counties of the first and second class may make special real property tax relief provisions.

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. 1182.

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

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

YEAS—46

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

NAYS—3

Corman	Kelley	Pecora
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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.

SUPPLEMENTAL CALENDAR NO. 5

HB 322 CALLED UP

HB 322 (Pr. No. 4211) — 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 REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 322 (Pr. No. 4211) — 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), permitting certain transfer students to play interscholastic sports; 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 institutions; further prohibiting the use of standardized entrance aptitude tests as factors for the admission of individuals having

dyslexia; authorizing the State System of Higher Education to enter into contracts for maintenance projects; increasing reimbursement for school building construction; and making appropriations.

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

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

NAYS—0

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

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

RECESS

Senator STAUFFER. Mr. President, at this time I would ask for a short recess of the Senate for the purpose of a Republican caucus to convene in the Majority caucus room.

The PRESIDENT pro tempore. Any instructions from Senator Zemprelli?

Senator Stauffer has requested a brief recess of the Senate for purpose of a Republican caucus to begin immediately in the first floor caucus room with the hope of returning to the floor in a very short time. For that purpose, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

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

POINT OF ORDER

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

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

Senator STAUFFER. Mr. President, I note in looking at today's Calendars there are no Sunset Resolutions appearing on the Calendars. I am also aware that there has been a court order directing that Sunset Resolutions be placed upon our Calendar. I wonder if, in line with that court order, there is the intention of adding Sunset Resolutions to our Calendar?

The PRESIDENT pro tempore. The gentleman's point of order is, indeed, well taken. For the information of the Members whom I am sure are already aware, the Chair has been directed as the Presiding Officer of the Senate to place a Sunset Review Resolution dealing with the Liquor Control Board on the Calendar and the Chair has refused to do so based on constitutional issues dealing with the separation of powers doctrine of the Pennsylvania Constitution. The Chair needs direction on the statutory interpretation as well as advice from the Body on the issue of the court's opinion and on the issue of separation of powers as to what the will of the Body would be in directing the Chair to place the Sunset Review Resolution dealing with the extension of the Liquor Control Board on the Calendar. So, the Chair is prepared to submit back to the Body for advice and direction as to what the Chair shall do. The question to the Body as asked for on a point of order by the gentleman from Chester, Senator Stauffer, is shall the Sunset Review Resolution dealing with the Liquor Control Board continuation be placed before the Senate on the Calendar?

Senator STAUFFER. Mr. President, then the question, as I understand it, that you have placed before the Body is whether or not a Sunset Resolution should be placed upon the Calendar in accordance with the order of the court and that a vote in the affirmative would indicate that you were being advised and directed by the Senate to adhere to the court directive and place a resolution on the Calendar, a vote in the negative would be that we do not desire that that order of the court be adhered to and that the resolution not be placed upon the Calendar?

The PRESIDENT pro tempore. To answer the gentleman's question, it would be the court's direction, it would be the statute, and it would be the general issue as before us dealing with, of course, as you phrase it, the court's direction but, again, also dealing with the statute and the general issue itself.

Senator STAUFFER. Mr. President, I feel very deeply with regard to an intrusion by the court into the proceedings of the Senate. As a long time Member of the Legislature of Pennsylvania, I am deeply concerned about the issue of separation of powers. I believe that in the twenty-two years I have served in the General Assembly this is the first time we have ever had an attempt at an incursion of this type. I further believe prior to that time, that I am not aware of any historical event of this type taking place. I believe we have what would be called fundamental constitutional rights between the branches of gov-

ernment, and I believe that for an order of this type to be adhered to, we would be violating those fundamental constitutional rights. Therefore, it is my judgment the decision of the Chair in taking the action it did was right and proper, and I would recommend an affirmative vote on the part of the Members indicating that the decision of the Chair should be maintained.

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

Senator STAUFFER. Mr. President, I stand corrected. I erred in dictating my view on the vote. It would be a negative vote that would uphold the decision of the Chair, and I would ask for a negative vote indicating that the matter should not be placed on the Calendar.

The PRESIDENT pro tempore. Senator Zemprelli is the next speaker. Do you have a point to make, Senator Kelley?

Senator KELLEY. A point of parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. Wait a minute, did Senator Zemprelli have a point of inquiry or did you want to debate the issue?

Senator ZEMPRELLI. Mr. President, I will yield in favor of the gentleman from Westmoreland, Senator Kelley, at this time.

PARLIAMENTARY INQUIRY

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

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

Senator KELLEY. Mr. President, my point of inquiry is for the clarification as to the value of the vote of the Senate. As I understand it, the Chair has propounded a question seeking advice of the Members of the Senate, not that the Chair would be obligated by the result, but, rather would be deciding whether or not to respond to the court order; that the decision would not be obligatory on the Chair but is rather to take the Chair as asking for the debate to evaluate the issues as articulated in this matter and to take the result as advice to the Chair as to whether or not the Chair should do whatever the Chair decides he should do.

The PRESIDENT pro tempore. The gentleman is correct. I think it is obligatory on the Chair because the gentleman has done it in the form of a point of order and the Chair has placed the issue, which is historical in this Body, as a friendly point of order to the Body and, therefore, it would have constitutional overtones.

Senator KELLEY. I understand, Mr. President. I am concerned about the voluntary involvement by Members of the Senate participating in the question as to how they could possibly personally become involved in the court's jurisdiction on their order as to whether or not we are obliging you in the institutional sense then or in the individual sense.

The PRESIDENT pro tempore. I cannot answer your question whether it is institutional or legal sense. The Chair looks at it as constitutional direction from the Body under the separation of powers doctrine of the Pennsylvania Constitution as

well as the statute and, in effect, the whole issue. I believe that it would be obligatory upon the Chair to abide by the direction of the Body, and that would have constitutional overtones.

Senator KELLEY. Mr. President, for a point of clarification then, if I understand correctly, the point of order made by the gentleman from Chester is being considered by the Chair as a constitutional point of order in traditional parliamentary procedure as to the validity and the effect of the court order which was served upon the Lieutenant Governor and you, the President pro tempore of the Senate?

The PRESIDENT pro tempore. For the most part the Senator is correct. Perhaps not totally, but for the most part I believe the gentleman is correct.

Senator KELLEY. I wanted to put it into perspective, Mr. President. I thank you, and I will address later on on the merits.

Senator ZEMPRELLI. Mr. President, first of all, I would want the record to note that this debate has started at five minutes to one on, I think, November 26, 1986. We are all tired, and so forth, and I am not too sure how eloquent we will wax at this hour and I will try to keep the issue simple.

I think the Chair is engaged in what we would call a bootstrap operation of self-indulgence in trying to make statements that are for the benefit of the Chair and the Members who would support the Chair. I think the point involved here, Mr. President, is whether the Senate has an obligation to follow the law. It is not an issue of separation of powers. If it were, I would be standing in lockstep with the Chair because I regard separation of powers as being a very important matter.

The issue here is a simple matter of having passed legislation that mandates and requires certain matters to take place, one of which was an obligation upon this Body by law which, incidentally, you, Mr. President, were either a sponsor of and certainly voted for, that required under certain circumstances that a resolution be placed upon the Calendar. That is a mandate by legislation. That legislation was the product of this Body, and the court is simply saying that you have an obligation to do that which you enacted. In all of its simplicity, that was what this is all about. There is not an issue of separation of powers here. When Judge Crumlish ruled as he did, he ruled as a matter of law that we are not obeying the law, the law that we passed, not what the court has passed. I suggest to the Chair that it is in error in, first of all, not putting the resolution there as required and, secondly, in this charade of endeavoring to create a record that would move the focus from the issue that is really the issue involved to one of a feigned issue of separation of powers.

Mr. President, I regret that the Chair fails to place this resolution upon the Calendar and let this Body act as a Body as to the merits of that legislation. A resolution would express the full meaning of how this Senate would stand with respect to the Liquor Control Board. It will never see the light of day because of a brazen refusal to do what we said by legislation should be done. Therefore, as of the present moment, this Senate is in contempt of that order which is, in fact, a viola-

tion of separation of powers, because we are not really recognizing the power of the court. I hope that we do not destroy the very institution that we all have such a high regard for. It is not the purpose of the Minority or anybody on this side of the aisle to create any problems for anyone. The sole objective of everything that the Minority has been about in everything it has done is to do simply one thing, to require you, Mr. President, or the Presiding Officer to place a resolution before this Body that would allow us to vote on whether or not to extend the Liquor Control Board for the next ten years. That is the law that we passed, and that is the mandate that we passed that you as the Presiding Officer would do. It has absolutely nothing to do with separation of powers. That is precisely where we are.

Mr. President, I think that what is happening here today is a travesty of justice. We are, in fact, thumbing our noses at the court relative to our refusal to obey a law that we passed. There was not anybody compelling us to mandate that before December 31st that during the month of November that this Body through its Presiding Officer will place upon the Calendar a resolution for consideration. If there was going to be any democratic expression, it would be one where this Body would vote either for or opposed to that resolution. When you rip all the facade away from what we are about, that is all that the Minority is asking for, an opportunity to vote on a resolution that would extend the Liquor Control Board for the next ten years. If a majority of this Body said yes, then so be it. If a majority of this Body said no, then so be it. I am prepared to take that risk, and I am suggesting to you that through this procedure the Majority in having the votes, you are willing to defy the court and not give us the opportunity to vote on that issue. That is the travesty. Do not talk to me about separation of powers. That is not the issue, and you know that is not the issue. The issue is whether or not we will obey the law that we passed.

I repeat, and I am only suggesting to you, Mr. President, that you have a requirement to place that resolution upon this Calendar and allow us to consider it. It is unfortunate that we have been brought to this circumstance at 1:00 in the morning, but I wish to assure you that if it were a separation of powers issue, I would be on your side.

Mr. President, I would want to ask you if you will submit to a short interrogation?

The PRESIDENT pro tempore. The Chair will not submit to an interrogation. I do not think that it is appropriate for the Chair to submit to an interrogation. It has not happened before and the Chair will not break new precedent with that.

Senator ZEMPRELLI. Mr. President, I am not sure that is a precedent, but I will accept your word for it. If I were going to ask you the question, it would be upon whose advice in the first instance were you following in not placing this resolution before this Body? Obviously you are not going to answer that question. You have indicated that.

The second question I would ask you is why do you believe it is necessary now to—

POINT OF ORDER

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

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

Senator BELL. Mr. President, I raise the point of order that the speaker is in contempt of the Chair and, therefore, in contempt of the Senate.

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

(The Senate was at ease.)

The PRESIDENT pro tempore. The Chair realizes the magnitude of the issue and appreciates the gentleman's point. However, I believe that Senator Zemprelli should have sufficient latitude. It is a very important issue and the gentleman may continue.

Senator BELL. Mr. President, on the point of order, will the Chair admonish the gentleman to make his presentation in such a manner that it does not constitute a contempt of the Chair and a contempt of the entire Body.

The PRESIDENT pro tempore. Senator Zemprelli, I think that Senator Bell's point is that if you make the questions rhetorically rather than personally to the Chair, you would be establishing the same point without, as Senator Bell puts it, being in contempt of the Chair or the Senate. If you can get the same point across by making your questions rhetorically without—the Chair is not going to submit to interrogation. If we would do that, I think we would be fine.

Senator ZEMPRELLI. Mr. President, I think in doing that, with all deference to the circumstances, I think I would be violating a Rule of the Senate which requires that interrogatories be directed to the Chair even though they be directed to other Members. I wish to not prevail upon the Chair to get into that debacle. I simply have one further question and I propose to rest my case, so to speak.

The second and only other question I would ask the Chair or ask you, Mr. President, being the President of this Body, for whatever direction that may take, is, why do you now feel it is necessary to gain some rapport by vote from this Body as to any position that the Chair has taken with regard to the matter before us when that issue was not submitted before such time as the Chair refused to put this issue before the Body?

Senator BELL. Mr. President, I heard the Minority Leader say that this Body is in contempt of court. I certainly hope he does not mean that because every Senator in this Body is elected by the people to represent the people. I will not go back into history but the principle of representative government established under our Constitution is that there will be a separation of powers. We are a sovereign Body and the President pro tempore is the elected President of this Body. This is not serving a piece of paper on an individual out on the street, it is the action of a judge to attempt to order what is done in these Chambers, and that is my point. Maybe I am not getting through to anybody in here because the party plaintiff who made the tirade is not even paying any attention. I am going to put that into the record.

Senator FUMO. Mr. President, it is indeed regrettable that on the last night of the Session when this Body is filled with a spirit of camaraderie in a sense of sorrow over those people who are leaving in compassion that we find ourselves locked in this debate. We did not set that stage, you did. I think what I have heard this evening concerning the separation of powers has probably been said on other occasions in other Legislatures. I firmly believe in the power of this Senate. I have argued many times about us giving up things that we have had such as the two-thirds confirmation and things of that nature, things that have been steeped deep in tradition in this Body, but I watched it happen. When we talk about separation of powers on this issue, we must remember that this is the Body that passed the law that said in Section 7 (b), "The Presiding Officer of each House shall cause to be placed on their respective Calendars for the first legislative day in November the question in the form of a resolution...." We passed that bill. We changed that law. If there was, in fact, an issue of separation of powers that was of a constitutional magnitude, we abrogated those rights that we may attempt to claim this evening by passing that law. If we are saying in this debate that the law is unconstitutional, then I guess we are saying the LCB will continue. You cannot have it both ways. You cannot pass a law that says you must do something, then refuse to do it, and say the reason why you are not doing it is because the law you just passed infringes upon your tradition. You have changed that tradition by passing that law. Furthermore, Mr. President, we must be reminded constantly that this nation prides itself upon the simple principle that we are a country of laws and not of men. We have seen in our most recent history very powerful men think that they were above the law, and we have seen that this nation has suffered when people have tried to do that.

What example do we set for the citizens of Pennsylvania if we stand here arrogantly and say we are going to refuse to obey a court order? What example do we set for the children of this state when we stand in defiance of a court order? Our Constitution is based on the principle that if you disagree with something, you do not fight it out with your fists, you go to court. In this particular instance, Mr. President, the Presiding Officer has refused to obey the law. The court went and told you again that you are wrong. This situation is not much different than the law we passed that requires that we consider nominees on the 25th day if there is a discharge resolution. Are we now setting a precedent that if the Minority or anyone files the appropriate discharge resolution on a nominee and the Presiding Officer does not want to entertain the vote, that the nominee automatically becomes confirmed to office? We are probably saying that, too. Again I remind you that it is our responsibility to live up to the concept that we are a country of laws, not of men. I submit by this convoluted process tonight that the Majority Leader and the President pro tempore has put us into, that anyone who agrees with this premise is now becoming equally culpable in contempt of court.

I agree with the gentleman from Delaware, Senator Bell, and I think the remarks were probably wrong when someone said that this Senate is in contempt of court. It is not this Senate that has been found in contempt, it is the Presiding Officer, because he has not lived up to his responsibility under the law that we passed. Now, the conspiracy expands. If we try to give credibility to his actions by a vote, those of you who vote that way share that culpability, and I do not know any other way to express it. The law is clear, we passed the law. If you do not like it, repeal the law.

Finally, Mr. President, if we are deeply concerned about the issue and if the votes are over there to kill the LCB, then let us vote on it, but let us not hide behind the charade of the argument of separation of powers. There were many Legislatures in the South who, when black Members were elected to them, refused to seat those people, and they were ordered by the courts to do so. This Chamber is not its own ruler for all purposes. This Chamber is its own ruler internally only, but when people in this Chamber decide to disobey the law, we cannot say the law does not say what it says and when, in fact, the court of constitutional jurisdiction of this state interprets that law again and orders someone to do something in this Chamber, I do not believe it is a violation of separation of powers. To take that premise to its logical conclusion would be totally to emasculate the court system and would also be to encase this Chamber in some type of artificial shield in which we then become a country of men and not of laws and those individuals would try to put themselves above the law.

It is indeed regrettable, Mr. President, that we find ourselves in this debate tonight. It is deeply shocking and it does not set any kind of example for those people. I know the Senator from Delaware and I have debated many times about the so-called rights of criminal defendants. His position is if they have done the crime, they are evil. Many times we have had those debates. If you defy a court order publicly this way, how are you different from the people who commit common crimes, except that we are here in suits and ties in this august Chamber trying to justify an illegal act? You cannot do that, you cannot do it morally or legally. We have a sworn responsibility to uphold the Constitution and we have a moral responsibility to set an example for those people who we govern. To do this defies both.

Senator FISHER. I rise tonight, or this morning, whatever time it is, whatever day it is, to speak on an issue that is of great importance to this body, and to the constitutional order of this Commonwealth, and I agree with Senator Fumo, not on the bottom line of his debate but on the fact that it is, indeed, deeply shocking that we are here tonight to discuss this grave issue, and perhaps the gravest issue of constitutional implications that I have seen during my twelve years as a member of this General Assembly.

It is clear, when you look at the Constitution of Pennsylvania, that the legislative power vested by the people of this great Commonwealth rests in this General Assembly. The power to control the process and determine the rules and the proceedings that take place rests with the two Bodies, this

General Assembly. That power can never be abrogated, whether it be by rule, whether it be by order, or whether it be by statute.

We have here a question that is before us, a very basic constitutional question. The basic constitutional question, not only the constitutional question of interpreting the separation of powers doctrine that has for so long been a precept in this great Commonwealth and our great country, but also the question of just who will run the General Assembly, who will run this Senate of Pennsylvania.

Those who are supportive of the proposition, the resolution, on whatever issue, whether it be the issue underlying here tonight or any other issue, those who are supportive of that and who believe it should be voted on, have a remedy. They have a remedy that has been protected. It is a remedy which is controlled by the Majority of this Body, whether it be a majority of Republicans, whether it be a majority of Democrats, or a combination thereof. The question for us tonight is whether this Body will be run by a majority vote, and the will as to how our proceedings will take place, or whether we are going to abrogate that power that we have always had, and abrogate it to a court or the courts of this Commonwealth.

Clearly, throughout our history, there have been times when rules and proceedings, whether it be of this Body or whether it has been rules that we, perhaps, have passed, that have abridged on the judicial rights have been in conflict.

Sometimes through legislation that we have passed the courts have found that that legislation does, in fact, abridge their judicial powers that they have under Article V of the Constitution. They, too, have found, on occasion, that we have overstepped our bounds. They have suspended our legislation. In fact, they have said, through a body of rules which govern them, a body of rules that was given to them under our Constitution, that they clearly have the power and the authority to determine the rules of civil procedure, the rules of criminal procedure, and various other rules that govern the judicial system, that separate and co-equal branch of government in this great Commonwealth. Likewise, we have rules. It is the rules that govern the Senate, it is the customs, it is the principle that we have followed that govern the very question, the very basic issue, that is before us here this evening. I believe that the question is even far greater than the question on this resolution, or on one single resolution, because I believe that if we would make the wrong decision here tonight, and I commend the President pro tempore for putting the decision before this Body, because, in essence, you are asking for a majority opinion of this Body, to determine the direction on this very basic issue, but if we make that wrong decision on this basic issue, where do we go next? Do we have the court telling us, do we have the court telling Senator Tilghman and the members of the Appropriations Committee how much they should spend on various expenditures across this Commonwealth this year and future years? Do we have the court telling the various committees of this General Assembly and this Senate which bills should be released from committee, which bills should be passed into law? Do we have the court

stepping in to many other basic issues, many of which we cannot even conjure up tonight, but issues that I am certain that if we make the wrong decision this evening will be conjured up in the future. This is an issue, as I have said, of such significance, it is an issue that I believe can guide, and will by necessity guide the future deliberations of this Body for this Session, and future Sessions to come, and it will be an issue that we will long live to regret, if we make the wrong one tonight.

It is my opinion, and I would urge the majority of my colleagues to stand behind the proposition, and to stand behind the decision that has been placed before us by the President pro tempore, and to vote in the negative, that that resolution does not need to be placed before this Body, and to go on with the other business at hand which faces the Senate of Pennsylvania in the remaining days of our Session.

Senator LEWIS. Identifying the issue is, in my opinion, one of the most important tasks before us during this debate. The issue is not the question of the Liquor Control Board, the issue is not the persona of the presiding officer, the issue is in fact, in my opinion, the institution of the Senate. And the issue is, in my opinion, the question of separation of powers. I think that the issue is raised in the form of the applicability of the statute which has been referred to by previous speakers. And I think the error in their conclusions has arisen from the fact that they choose to view the statute as the issue. It is not. I see us in a very interesting situation here this evening, because I think we find ourselves in a predicament which, by the very nature of the statute which is the subject of this debate, we almost clearly anticipated. We are apparently complaining that we have not done something which we obviously anticipated we were not going to do when we enacted this legislation.

Stop to think about that, and look at the clear words of this statute. And as you do that, then pause and reflect on the real obligation of this General Assembly and this Body. I do not think there is a single member in this Senate who would not agree we have, through our legislative authority, created the boards and commissions in this Commonwealth to which the Sunset Review Act applies. I think we would all agree that if this General Assembly chose to do so, we could alter, we could amend, we could abolish each and every one of those boards and commissions by legislative action. In our legislative wisdom, I think we would stand foursquarely against any interference in any of those activities to alter, amend or abolish, if the Courts attempted to inject themselves. I feel comfortable enough to conclude that there would be none in this Body who would disagree with that proposition.

Where then do we find ourselves this evening? We find that at some point in our deliberations we decided that the possibility of alteration, amendment or abolishment of a board or agency may be a desirable objective, and so, we enacted legislation designed to move in that direction. But for reasons that are peculiar to the nature of the political system and this institution, we try to have the best of a variety of worlds. And so we observe that it may well be possible that there would be

boards or commissions, the existence of which we would prefer no longer to tolerate, yet we decided we would rather have them go out of existence through inaction, rather than a specific overt legislative activity on the part of the General Assembly, and I daresay we well have the authority to make that determination. Yet it seems as if in the course of those deliberations we decided that there may well come a time when our own inactivity might frighten us, and so we tried to put a little bit of an escape valve into our own legislation. And we said, in the event we really do not want one of these boards or commissions to go out of existence, we want to preserve a mechanism by which the automatic Sunset process will not occur. Interestingly enough, we then tried to force ourselves procedurally to make certain that the process which would protect ourselves from the consequences of our own inactivity would arise. And we then said in the Sunset Review Act, which is the subject of our debate, that in the event we decide we may not want the consequences of our legislative activity to occur, we want to have certain procedural things arise so that we can get the opportunity to decide whether or not we made a mistake in the blanket legislation which we enacted.

Stop and think about that for just a moment. What we have really done, as a legislative body, is, in effect, to delegate the responsibility for a legislative activity, being precisely the abolition of a board or commission, to occur through our own inactivity.

Now, throughout all of this process, for a moment I do not think any of us would tolerate the interference of any outside body. We would not tolerate the interference of the courts for a moment. Well, how then do they get into this process, because, what we further said in this process of delegation was, that in the event we made a mistake, we want to try to protect ourselves from ourselves, and therefore we will force ourselves to do what we probably would not do on our own volition if we did not write it into this same law. We are now going to force ourselves to put a resolution, a procedural matter, to deal with a substantive legislative activity which only this General Assembly can handle, we are going to force ourselves procedurally to put an item on our own Calendar, and by doing that we have created this most interesting of dilemmas for ourselves.

In an entire process in which for a moment we would not tolerate the interference of any outside activity, we have now come and asked an outside agency to protect us from a procedural morass which we have created for ourselves. And, Mr. President, therein lies the fundamental issue of separation of powers. Because what we have done is to try to create a mechanism by which we can argue the invitation of the courts into the legislative process, when, in fact, they would never be tolerated here under any other circumstances. It is an interesting predicament which we have created.

Where then do we find ourselves? We find ourselves coming directly into confrontation with Article II, Section 1, which says that the legislative power of the Commonwealth should be vested in a General Assembly, and we know from scholarly writings that the clear purpose of the separation of

powers was not to promote governmental efficiency, but rather, to protect the institutions of government against tyranny. Through our own legislative lack of foresight, we have created for ourselves a situation in which we have a most inefficient predicament, and we are now turning to the courts to ask them to promote legislative efficiency because we have bungled the job on our own.

Mr. President, the separation of powers requires us to maintain our individuality, and to recognize that the remedy for this very real problem does not lie by recourse to the courts, but rather, it rests right here in our own deliberative Body. We passed an inappropriate law which has tried inappropriately to delegate powers to ourselves or to others, and then to correct potential problems through procedural mechanisms.

If we do not like it, if it is not working, then the remedy is to change the law, not to invite an independent agency of government, an independent constitutional part of this government, to involve itself in a process which we clearly have fouled up on our own. Clearly, the passage of an inappropriate law cannot reduce the Constitution to the level of impropriety of that ill-advised law. Instead, what we have got to do is maintain the strength of the Constitution, and to recognize, as I said before, that the remedy lies in changing the law, not in surrendering the separation of powers which we have to maintain so vigilantly.

Senator STAUFFER. Mr. President, it is very interesting to follow the two excellent presentations by the gentleman from Allegheny, Senator Fisher, and the gentleman from Bucks, Senator Lewis, and to come back to some of the remarks made by both the gentleman from Allegheny, Senator Zemprelli, and the gentleman from Philadelphia, Senator Fumo. With regard to some of the remarks made by Senator Zemprelli, I think a fundamental difference that we have is his belief, as he stated, that the Chair was in violation of the statute. That is where we have a fundamental disagreement, Mr. President, because we believe that the Chair has ruled in accordance with the statute. I would point out, Mr. President, in November of 1985, in accordance with the statute, a resolution was placed on the Senate Calendar. Contrary and at variance with previous actions, the Leadership Committee provided that the matter be continued, and provided for no placement of that issue on a future Calendar, so that the argument that the statute says you must put it on the Calendar was lived up to. But we maintain that when the Leadership Committee took the action to stave off the consideration of the issue, and in its action did not provide for a future placement of the issue on the Calendar, there was no requirement and is no requirement that that take place.

In the instance before us, Mr. President, the court is attempting to substitute its judgment in a procedural matter for that of the Presiding Officer, and that is where the constitutional invasion takes place because nothing could be more fundamental than the right of this Body to set the terms of its daily Calendar. That is what is at issue here, Mr. President, the right of this Body, through the Presiding Officer, to set the terms of the daily Calendar.

Again, I maintain the Chair has ruled properly and I believe we would be in grave error if we were to make a decision to place this issue on a Calendar at this time. I would again urge a "no" vote on the question as placed before the Senate.

Senator KELLEY. Mr. President, I, with my colleagues, have listened to the debate on this question thus far. I am not so sure I agree with any of them as identifying the issue being the separation of powers. All the speakers preceding have referred to the statute which we refer to as the Sunset legislation and our obligation to follow the law is indisputable. I also recognize the fundamental right of the court to interpret, construe this law or any other law of this Commonwealth. I see the issue, however, as something greater than that. The responsibility of you, Mr. President, and each one of us in the institution of responsibility we have to follow, the greater law is the Constitution. If we truly believe that this law, the statute, the Sunset, is not in conformity with the constitutional standards of this Commonwealth, you, Mr. President, and we, each one of us, have the duty to stand up and make the challenge factually. If factually making the challenge means to not follow the court order, that is our responsibility. You know, two hundred and ten years ago we fought for the fact that a legislative Body had no limits in Mother England, and from that we made a written constitution, which is by far the greater law and, as far as we know, without any challenge among any of us, far superior and certainly controlling on statutory law.

I invite you for a moment, let us look at our Constitution. Article III, under Legislation.

"Section 1. No law shall be passed except by bill..." et cetera, et cetera.

Article IV, under The Executive.

"Section 15. Every bill which shall have passed both Houses shall be presented to the Governor..." et cetera, et cetera.

Let us look at the Sunshine Act that everyone is talking about. We recited in there first we by statute created a Legislative Leadership Committee. I am not so sure that is very valid, but we created it in statute. But then we go on in titles in section 1795.6 and we talk about termination of agencies and we go through and we listed them and we set forth that those agencies so listed will be terminated on a date certain. We have passed a law, both Houses and the Governor signing it, saying that certain agencies will be terminated, period. Then we start this thing that the gentleman from Bucks, Senator Lewis, talked about as a convoluted process in Section 7 of the bill. And, indeed, it is convoluted. But remember the Constitution. No law is passed except by bill. But we tried to recreate these instruments that we have terminated by a Leadership Committee. It seems to contradict the Constitutional requirements right on the face. It is not a question of separation of powers, it is a question of whether we have legislated constitutionally. I, therefore, say the Legislative Leadership Committee has no authority even to extend it for a year, which we put in the bill. But we have said legislatively these agencies are terminated. They are out of existence unless we extend them. In

Section 7 of the bill we said first we acknowledge any agency scheduled for termination under this act may be reestablished by the General Assembly by legislation. Is that not wonderful? We just said what was inherently in the Constitution. Then we go on and we talk about the convoluted aspect of things. Where did we go wrong? We went wrong trying to say that is a sophisticated representative group of us, the Leadership Committee. Hogwash. We do not have the authority to delegate that in lawmaking because it has to go through this Body and the other Body and to the Governor. So the extension from year to year for one year violates the Constitution, and a resolution of this Body and the other Body is insufficient to meet the constitutional standards. Mr. President, if you put this before the Body in the form of a resolution and we pass it and the other Body passes it, it is a nullity. Our Constitution says so in the sections I read to you. Therein lies the rub. Clearly, not separation of powers but constitutionality of the very statute that we are talking about. I believe so firmly it is unconstitutional, Mr. President, I will stand with you if alone. I think this court order is failing in one aspect. It fails to treat the constitutionality of the Sunset Legislation. We have a duty, Mr. President, and if it comes before here we make the question moot. The only way we can meet our responsibility of challenging the constitutionality is by not doing it, Mr. President, and I urge my colleagues to join.

Senator SCANLON. Mr. President, the gentleman from Westmoreland, Senator Kelley, makes reference to the fact that we have unconstitutionally delegated authority to a legislative committee to continue the existence of an agency that was about to Sunset. There are six or seven agencies that already have been continued by resolutions of this Senate which is not a bill, not a bill approved in either House and not a bill signed by the Governor. If we were to accept the argument of the gentleman from Westmoreland, Senator Kelley, that we cannot extend the life of these agencies by resolution, the future of those we have already done is in serious doubt. There is some question here as to whether or not we feel that this Senate is deliberately or the Presiding Officer is deliberately in contempt. I do not, and I am trying to avoid the whole issue because I was prepared to offer a resolution to continue the Pennsylvania Liquor Control Board for another period to avoid this self-characterized constitutional crisis. The gentleman from Allegheny, Senator Zemprelli, started this discussion by stating that there is no constitutional crisis.

The Sunset Law clearly states that in the Sunset year of any agency if the legislative Bodies by November 1st have not by legislation continued their existence, then the Presiding Officer on the first legislative day after November 1st shall place on the Calendar a resolution. The Membership can vote to either continue the existence of the agency for another period or to let it die. The point is that this Body, under our own law that we passed, should be given that opportunity if by November 1st in the Sunset year we have not extended the life of the agency by a bill signed by the Governor. The gentleman from Chester, Senator Stauffer, mentions that the Liquor Control Board Sunset year was in 1985, which is true.

Last year when we could not agree on the extension or the abolition of the Liquor Control Board, the Leadership Committee mechanism triggered in, and they extended the life of this agency until December 31st of 1986. They have no power to put a resolution on the Calendar. There is nothing in the act that gives them that power. Their only power is to merely extend the life of the agency one year, which they did.

Tonight we are in the position where this agency under our own law is destined to pass away on December 31st unless we do something by resolution subsequent to November 1st of this year. November 1st has come and gone, and no bill has extended the life of this agency. It is our position, therefore, that the Presiding Officer has no choice but to place a resolution on the Calendar to give this Senate the right to either vote it up or to vote it down. Personally, being concerned about this issue, I did prepare such a resolution and I was going to offer it tonight. Whether it goes up or whether it goes down is fine with me, but at least a vote on the resolution that I was going to offer would moot this point and we could avoid this self-styled constitutional crisis which I submit does not exist. I would urge everyone to try to impress upon this Chair how important it is that we proceed under the law which we enacted.

Senator O'PAKE. Mr. President, tonight's debate is proof of the adage that if you get a group of lawyers in a room, you will hear as many legal arguments as there are lawyers in the room. Let me suggest, Mr. President, that we examine this issue from the point of view of what Sunset was intended to accomplish. I agree with the gentleman from Allegheny, Senator Scanlon, in his analysis, and I believe that the law is very, very clear on its face. I think we wrote into the law a requirement that the Legislature have a final say on whether or not an executive branch agency should be terminated. I think the whole purpose of Sunset was to make sure that the Legislature, not the Governor, not the executive, decides when a branch or an agency of the executive should be terminated.

If, Mr. President, you do not permit us to vote on the termination of the Liquor Control Board, in my judgment in clear violation of Section 7 (b) of the Sunset Law which we wrote and this Senate enacted, then it will be the Governor, not the Legislature, which is deciding whether or not one of his agencies or the executive branch agencies should continue in existence. This flies in the face of the whole concept of Sunset. Sunset legislation in Pennsylvania and every other state in this country was enacted to give the elected Legislature the power to decide whether an executive branch agency should be terminated as being nonessential.

It seems to me, Mr. President, that stripped of all the legality and all this talk of the constitutional crisis, I think that no one is above the law. This is a law that we enacted. The reason we enacted it and wrote this provision in that requires the Chair to place before us, if no bill has passed by November 1st of the Sunset year, a resolution is so that we will have the vote on the question. That is why we wrote the law. That is what will make Sunset withstand constitutional attack.

The theory of Sunset, again, Mr. President, is to let the Legislature, one branch of government, decide on whether or not an executive branch agency should be terminated. I respectfully suggest that if you achieve what you intend to achieve tonight, there will be a challenge in the court to the whole process of Sunset, because you are, in effect, ruling that the executive branch should have the power to determine whether an executive branch agency should be terminated. That is not what Sunset is all about, and I question the constitutionality of any Sunset provision which would give the executive branch the power to determine when one of its own agencies should be terminated.

Senator GREENLEAF. Mr. President, I just want to make a very brief comment and that is I feel, obviously, this is a violation of the separation of powers, and that we are really talking about an issue that should be resolved at a later point. This is the first time in the ten years that I have served in the Legislature where the courts have participated previous to our actions. I do not think it takes a lawyer or any of us to recognize that the courts are supposed to be interpreting our laws, deciding whether they are constitutional, deciding whether we adopted a conflicting law. That is their function. What has happened here is this issue is not an issue that is ripe for decision. What they have done is they have intruded upon our process prior to our action. We all know that whatever we do, whether we pass something tonight or whatever we have done in the past, whatever the House has done, it will end up in a courtroom, and whatever the Governor plans to do, that will end up in a courtroom, and after we conclude our legislative deliberative process is the time in which the courts should step in and make their decisions of whether we have violated the Constitution or whether we have done something that is inappropriate. By taking these steps now and by issuing an order now is like a preemptive strike, it is an obvious intrusion upon the legislative process, and this vote is really a decision of whether we are going to have a situation where, let us say, we are considering a bill next Session and someone may decide, well, we think that bill is unconstitutional. What is going to stop someone from this Body or someone outside this Body from filing an action in an appellate court here and saying that they are going to consider an unconstitutional bill and we have to get a restraining order and the Commonwealth Court or the Supreme Court issues a restraining order before we adopt it and tries to stop us from adopting that law?

Really, the issue here tonight is not Sunset or not any other issue but the fact of whether we are going to have the Commonwealth Court and the Supreme Court ruling us and telling us what to do in that Chair, or are we going to have the President pro tempore or the President of this Body, that we have duly elected, and as the people of this state and the Constitution of this state determine our procedure in this Body?

Senator ZEMPRELLI. Mr. President, relating to the remarks of the last gentleman, I am reminded of an old law school expression which I hope I can quote accurately, "Acts of omission and acts of commission are *pari delicto*." To translate that into the full meaning, I think the gentleman mis-

understands the facts. It is an act of omission that we have proceeded to bring an action of mandamus to compel. There is a requirement in the law setting everything else aside that requires that a resolution be placed on a particular day. That was not done and, therefore, an action exists by way of mandamus to compel a government to act as it was supposed to act. That is precisely the situation. I have listened to the argument tonight and I am very proud to have been subjected to the kind of rationale that has been used. I think it has been very healthy and I am amazed at the degree of difference that can exist on what appeared at least to be a very simple issue. I now have come to the conclusion that what the summation of all arguments would lead to is that the law is unconstitutional. If you accept the argument made by the gentleman from Allegheny, Senator Fisher, you would have to ask the question that any law, any statute, that deals with legislative procedures is unconstitutional, and I may very well agree with him with respect to this law and, perhaps, that is what the courts should have found. The point is that that was not the conclusion of the court and I am not certain that there exists two standards of legislation, one that deals with the rest of the world and one that deals with this Body as to constitutionality.

Mr. President, I would ask the gentleman from Allegheny, Senator Fisher, if he would submit to an interrogation which would be precisely as I have indicated.

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

Senator FISHER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, is it the gentleman's view that a legislative enactment that deals with legislative procedures is unconstitutional?

Senator FISHER. Mr. President, that is not my view.

Senator ZEMPRELLI. Then, Mr. President, if it is conceivable or legal to enact legislation which would regulate this Body in its procedures, how then does this particular act deviate from one that would be in your regard perfectly legal legislation?

Senator FISHER. Mr. President, I think the difference between a law that deals with legislative procedures and one that does not would be that one that deals with legislative procedures, the determining factor as to how those procedures should be carried out, should be determined by the Body and not by some other outside branch of government, in this case the court. That is what we are arguing here tonight. Is it the procedure to be followed under the law that calls for the Sunset procedure for various agencies that should be determined by this Body? The question as I understand that is before the court, by a vote of this Body we will determine the direction to go, but we should not determine the direction to go by virtue of how a court rules because I do not think the court has the constitutional power to tell us how to do that.

Senator ZEMPRELLI. Mr. President, is it not a fact that when this Body chose to legislate a procedure as to how it should conduct its activities, that it has, in fact, exercised a proper and legal legislative procedure?

Senator FISHER. Mr. President, I do not think I can answer that question as it has been posed, because I think in any law there is room for further definition and further delineation by this Body as to the process that should be followed. In this case, we follow the Rules of the Senate.

Senator ZEMPRELLI. Mr. President, the Sunset provision provides, first, that leadership may extend by its authority. Does the gentleman agree that that is, in fact, a proper enactment by this legislative Body?

Senator FISHER. Mr. President, yes, I would at this juncture say that it is, as I understand it.

Senator ZEMPRELLI. And then, Mr. President, if, in fact, a continuation of that law provides that before the end of the period of time that the leadership has extended an agency, that a resolution be placed upon the Calendar of both Houses, is that not equally as legal as leadership determining that there should be an extension of an agency?

Senator FISHER. Mr. President, I am not sure I can answer that question as it has been posed, but it is my opinion that not only do we have the right as a Body to determine how that process is carried out but, in fact, all the procedures have, in fact, been carried out in this case.

Senator ZEMPRELLI. Mr. President, do we not exercise that right when we, in fact, pass legislation as we have with the Sunset Law?

Senator FISHER. I would not agree with that, Mr. President.

Senator ZEMPRELLI. Mr. President, the gentleman does not agree with the proposition and, therefore, the question recurs, does he believe this particular piece of legislation is either in whole or in part unconstitutional?

Senator FISHER. Mr. President, I do not agree with that statement.

Senator ZEMPRELLI. Mr. President, is it now my understanding that the gentleman believes the law is constitutional but that we do not have the obligation to abide by the law with respect to its requirements as it applies to the Senate of Pennsylvania?

Senator FISHER. Mr. President, I believe we have complied with its requirements and that the Senate of Pennsylvania is the Body to determine how we will abide by those requirements. That is what is before us and the Senate will determine it by a majority vote of its Members.

Senator ZEMPRELLI. Mr. President, will the gentleman show me or explain to me in some context that would be understandable to a lawyer from Clairton, Pennsylvania, how a simple requirement that a resolution be placed upon this Body's Calendar could be subject to the kind of review that he would have this Senate do in a discretionary fashion without violating that law?

Senator FISHER. Mr. President, I think that is basically, as I have indicated, up to the Senate to determine and it is up to the President and the President pro tempore of the Senate to determine but, in addition to that, I believe in this instance a resolution was, in fact, placed on the Calendar of the Senate in October or November of 1985.

Senator ZEMPRELLI. Mr. President, is the gentleman not saying that in all instances that deal with procedural rights, regardless of the mandate or the language of legislation, that in finality the Legislature reserves the right to use its own discretion as to whether it would follow those mandates or not?

Senator FISHER. Mr. President, yes, I think the Legislature has the right to determine the procedures by which it will follow those mandates.

Senator ZEMPRELLI. has it not exercised that right, Mr. President, in the enactment of the legislation that establishes the procedure which is the Sunset Law before us?

Senator FISHER. I do not believe so, Mr. President.

Senator BELL. Mr. President, the hour is 2:00 in the morning, and I am just as tired of this horseplay as anybody else. I would like to put into the record that the Constitution provides that each House shall have power to determine the Rules of its proceedings. I would also like to point out that the Commonwealth Court does not have inherent powers given to it by God Almighty. Its only powers come from the Constitution and the laws that establish it. Although the Constitution of 1968 says that the Supreme Court shall exercise general supervisory and administrative authority over all the courts, et cetera, there is nothing in this book that says that the Commonwealth Court shall supervise the Senate of Pennsylvania. That is the question.

The PRESIDENT pro tempore. The motion before the Body is on a point of order and that point of order is, shall the Sunset Review Resolutions be placed on the Calendar and before the Senate. An "aye" vote would be in favor of placing those resolutions on the Calendar and before the Senate. A "no" vote would be contrary, not to place the Sunset Review Resolutions on the Calendar and before the Senate.

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

YEAS—22

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

NAYS—27

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

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

The PRESIDENT pro tempore. The point of order is not well taken and the Sunset Review Resolutions will not be placed on the Calendar or before the Senate or appear before the Body.

The Chair recognizes Senator Brightbill for the purpose of considering Executive Nominations.

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, is it possible to return to that part of the agenda that has to do with original resolutions at this time?

The PRESIDENT pro tempore. The Chair has recognized Senator Brightbill on Executive Nominations.

Senator SCANLON. So the answer is, no, it is not possible, Mr. President?

The PRESIDENT pro tempore. Not at this time. We can come back to it.

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:

JUDGE, COURT OF COMMON PLEAS, CHESTER COUNTY

October 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 J. Curtis Joyner, Esquire, 1105 Nottingham Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Chester County, to serve until the first Monday of January, 1988, vice the Honorable John E. Stively, Jr., mandatory retirement.

DICK THORNBURGH.

On the question, Will the Senate advise and consent to the nomination?

Senator STAUFFER. Mr. President, I would just like to say a brief word with regard to the nomination that is before us. Curtis Joyner is an outstanding person who gives this Senate of Pennsylvania an opportunity to put a young man, an extremely wonderful success case, on the bench in the Common Pleas Court of Chester County. Curt Joyner became the first black lawyer to be admitted to the bar from Chester County. He established himself as a young prose-

cutor, an assistant district attorney in our county, built an outstanding record and has been selected by Governor Thornburgh to be the nominee for the vacancy that exists on our Court of Common Pleas and, if confirmed here this evening, will be the first black judge in the history of Chester County, which is one of the three original counties of this Commonwealth.

I highly commend his selection and point out to the Members that tonight we can participate in a certain amount of history in the confirmation of this fine young man to the Court of Common Pleas and would ask for an affirmative vote on the nomination.

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

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

YEAS—25

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

NAYS—24

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

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

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION

NOMINATION OVER TEMPORARILY

Senator STAUFFER. Mr. President, I move that the Senate reconsider the vote by which the nomination of J. Curtis Joyner, Esquire, as Judge of the Court of Common Pleas, Chester County, was defeated.

The motion was agreed to.

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

Senator STAUFFER. Mr. President, could we go over that name temporarily?

The PRESIDENT pro tempore. The nomination of J. Curtis Joyner, Esquire, will go over temporarily.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, MUNICIPAL COURT

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 William A. King, Jr., Esquire, 410 Abington Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge, Municipal Court, to serve until the first Monday of January, 1988, vice The Honorable Francis P. Cadran, mandatory retirement.

DICK THORNBURGH.

On the question,
Will the Senate advise and consent to the nomination?

RECESS

Senator ZEMPRELLI. Mr. President, the nomination of this gentleman has not been before our caucus, and I would ask that we be given the opportunity to caucus about this before this nomination is run. It will be a very short one.

The PRESIDENT pro tempore. When would you like to do that?

Senator ZEMPRELLI. Immediately, Mr. President.

The PRESIDENT pro tempore. Senator Zemprelli is requesting a brief—may I say brief?—recess of the Senate for the purpose of a Democratic caucus to take place in the caucus room at the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

AFTER RECESS

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

And the question recurring,
Will the Senate advise and consent to the nomination of William A. King, Jr.?

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. I note that this nominee filed his financial statement on November 17, 1986, and I simply ask the Chair whether the nomination is properly before us, so that we may have a precedent for determining the time period for consideration of a nominee. And at the same time, Mr. President, that I make that request, I am aware of the fact that in legislative construction, either the first day is included and the last day excluded, or the first day excluded and the last day included. I am advised by sidebar with counsel for the Majority that that may not be the Rule of the Senate. I do not have a view as to the matter, I am only asking for an interpretation so that I know for the future and for the present whether a nominee who files his financial statement on the

seventeenth of the month is properly before us for consideration on the twenty-sixth day of the same month.

The PRESIDENT pro tempore. Senator Zemprelli, I am advised that the papers have been on file for each of ten different days. I am further advised that in the past we have not utilized the first/last day exclusion, as you have asked. I want to be consistent with whatever we have done in the past, and I want to recognize that it may come up again in the future, and we should be consistent. I would rule that if it has been on file on each of ten separate days, that really should meet the requirement.

Senator ZEMPRELLI. The Chair is ruling that a nominee who has his financial statement filed on the seventeenth could be considered on the twenty-sixth of that same month?

The PRESIDENT pro tempore. It has been on file for ten separate days. That is correct.

Senator ZEMPRELLI. Mr. President, it was my understanding that the Secretary of the Senate was not of that view at a previous time.

The PRESIDENT pro tempore. The Secretary is the one who advised me of that. He is the Parliamentarian, and I have asked for his advice and counsel, not having this being presented to me before. That is what the Parliamentarian so advised.

Senator ZEMPRELLI. Mr. President, it is therefore, then, as I understand the ruling of the Chair, that if it is on file for ten days, that would meet the requirement of the Senate?

The PRESIDENT pro tempore. It would meet the requirement of the Senate.

Senator SCANLON. Mr. President, I would just like to ask the Parliamentarian to reconsider that ruling, and bear with me one minute with my logic. As everybody knows, I just became a grandfather on October 30th, and if we go by the logic of the Parliamentarian, my grandson was born one year old.

The PRESIDENT pro tempore. Congratulations, Senator Scanlon, that is a remarkable achievement.

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

(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.

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

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

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

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

Senator 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 required by Senator BRIGHTBILL and were as follows, viz:

YEAS—36

Andrezeski	Helfrick	Lincoln	Salvatore
Armstrong	Hess	Loeper	Shaffer
Bell	Holl	Madigan	Shumaker
Brightbill	Hopper	Moore	Stauffer
Corman	Howard	Pecora	Stout
Fisher	Jones	Peterson	Tilghman
Fumo	Jubelirer	Reibman	Wenger
Greenleaf	Kratzer	Rhoades	Williams
Hankins	Lewis	Rocks	Wilt

NAYS—13

Bodack	Mellow	Romanelli	Singel
Early	Musto	Ross	Stapleton
Kelley	O'Pake	Scanlon	Zemprelli
Lynch			

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF PARDONS

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 Henry G. Barr, Esquire, 717 Alberta Avenue, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Pardons, to serve until November 30, 1991, and until his successor is appointed and qualified, vice Frederick W. Hill, Esquire, Pittsburgh, whose term expired.

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—25

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

NAYS—24

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

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

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATIONS

NOMINATIONS LAID ON THE TABLE

Senator BRIGHTBILL. Mr. President, I move that the Senate reconsider the vote by which the nomination of Henry G. Barr, Esquire, was defeated.

The motion was agreed to.

And the question recurring,

Will the Senate advise and consent to the nomination?

Senator BRIGHTBILL. Mr. President, I request that the nomination of Henry G. Barr, Esquire, be laid on the table.

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

Senator BRIGHTBILL. Mr. President, I also request that the nomination of J. Curtis Joyner, Esquire, as Judge of the Court of Common Pleas, Chester County, which previously went over temporarily, be laid on the table.

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

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 HARNESS 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 Jesse L. Crabbs, 235 Meade Avenue, Hanover 17331, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Harness 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.

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	Kratzer	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.

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 BOARD OF MEDICINE

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 Chia S. (Jason) Shu, M.D., 1308 Colonial Court, Montoursville 17754, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Board of Medicine, 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 Nelson P. Aspen, M.D., West Chester, whose term expired.

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	Kratzer	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.

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 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.

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

NAYS—23

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stapleton
Early	Lynch	Rocks	Stout
Fumo	Madigan	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 BOARD OF MEDICINE

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 Gary W. Lyons, M.D., 4151 State Street, Erie 16508, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Medicine, 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 Dr. Richard C. Lyons, North East, whose term expired.

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	Kratzer	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.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS, YORK COUNTY

August 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 Byron H. LeCates, Sr., Esquire, 124 East Market Street, York 17403, York County, Twenty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of York County, to serve until the first Monday of January, 1988, vice Honorable Gordon A. Roe, deceased.

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—25

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

NAYS—24

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

Jones Mellow Ross Zemprelli

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

The PRESIDENT pro tempore. Senator Stauffer requests that the Senate stand in recess until the call of the Chair and advises the Members that he expects that to be about fifteen or twenty minutes, waiting for some advice and counsel from the House of Representatives. The Senate will stand in recess to the call of the Chair.

AFTER RECESS

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

UNFINISHED BUSINESS

SENATE RESOLUTION

Senator SCANLON. Mr. President, I offer a resolution and request that the resolution be considered immediately.

Senator STAUFFER. Mr. President, I would deny unanimous consent to consider a resolution at this late hour.

MOTION TO SUSPEND RULES

Senator SCANLON. Mr. President, I move that the Rules of the Senate be suspended and I ask for a roll call vote.

On the question,

Will the Senate agree to the motion?

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

LEGISLATIVE LEAVE

Senator STAUFFER. Mr. President, I would request a temporary Capitol leave for Senator Bell who is still in his office.

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

And the question recurring,

Will the Senate agree to the motion?

PARLIAMENTARY INQUIRY

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

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

Senator SCANLON. Mr. President, is the motion to suspend the Rules debatable?

The PRESIDENT pro tempore. No, it is not.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—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	

NAYS—25

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

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

FAREWELL REMARKS TO DEPARTING SENATORS

Senator STAUFFER. Mr. President, as we know, as we end this final Session of the current legislative Session, three of our Members will be departing: Senator Howard, Senator Early and Senator Kratzer. I, personally, and on behalf of all of my colleagues, would like to express my gratitude for having worked with and having had the friendship of these distinguished gentlemen. Although they will leave us in person, they will certainly not leave us in fond memories and in fond considerations of the many years we have spent together. I wish them farewell, Godspeed, and good health in everything they do in their future endeavors.

Senator ZEMPRELLI. Mr. President, the hour is now 4:45 a.m. and I have these extensive remarks that I was going to make on behalf of the three gentlemen and to include the Lieutenant Governor, also. However, for the first time in my entire life—I am now sixty-one years old, of course—I will offer for the record my prepared remarks with the direction that the Chief Clerk send a copy of the same to the Members, understanding that they have the sincerity with which—

The PRESIDENT pro tempore. Senator, why do you not put them on tape and they can play them in their cars.

Senator ZEMPRELLI. It is not a bad idea. As a matter of fact, Mr. President, it is probably the best idea you have had all day.

(The following prepared remarks were made a part of the record at the request of the gentleman from Allegheny, Senator ZEMPRELLI:)

Mr. President, amidst all the legislation flying back and forth in these final frantic days of the 1985-86 Session of the General Assembly, we encounter a significant milestone which deserves recognition.

I am talking, of course, about the departure from this Body of several of our colleagues. The end of a Senate Session is always a poignant event as two years of hard work, hard debate, give-and-take, and legislative creativity come to an end. The departure of friends serves to put a painful edge on that poignancy.

As I look across the floor I see Senator Guy Kratzer, who has been with us for only one term. First elected in an upset four years ago, he has remained true to his own beliefs even to the extent of running as an independent for reelection. That he did not win under those circumstances is not surprising. That he had the courage to stick to it against the odds is not surprising, either. For my colleagues on this side of the aisle, I wish you good fortune in the future.

Also across the aisle, I see Senator Ed Howard who has served with us since January, 1970. A tribute to his faithful service has been the solid support of his constituents in each of his elections. He has always been a worthy opponent. A quiet but sincere debater who comes to the floor prepared to carry his side of an issue. Perhaps he is best known for his concern for the future soundness of the various state pension plans and for his work to that end. In his leaving, which is a voluntary retirement, we can temper our sadness at the departure of a friend with some joy that he is going on to other ventures on his own volition. Again, my colleagues on this side of the aisle extend our best wishes to you, Senator, and pray you will enjoy a long and fruitful retirement.

One Member on our side of the aisle will be returning in January, but only briefly. Senator Mark Singel will be leaving as a Senator only to return within minutes as the Presiding Officer, having been elected Lieutenant Governor. It is hard for me to believe that six years have passed since you first arrived, Mark. Your accomplishments in that short span are somewhat remarkable. I, for one, will miss your counsel and wisdom, which have been far beyond your years, but we shall enjoy watching as you master your new role in the incoming Administration.

I might add here that the man you are replacing has acquitted himself quite well in the past eight years. Though of different political philosophy, he has presided with dignity beyond his years and with a quiet good humor that has served him well in a difficult job. His narrow loss in the race for Governor carries no shame with it nor does his service here. We all wish Lieutenant Governor Scranton new horizons with new challenges to which he can lend his considerable talents.

Mr. President, I have saved the most poignant farewell, for me personally, until the last.

He is a man whose logic has often baffled me just as my logic has baffled him. Yet he is a friend in the purest sense of the word. An innovator of the first order, his vision has always seemed to run ahead of the crowd.

There is significant legislation on the books now that had its genesis with Ed Early long before others could see its value. Tougher drunk driving legislation and child restraint laws are two that come to mind. Today we will be considering mandatory seat belt legislation first brought to the fore by Senator

Early. It is fitting to note that he is not satisfied with this particular piece of legislation but it would not exist at all, if imperfectly, were it not for Ed Early.

He has long been a proponent of property tax reform. When it passes, as surely it will in the future, the citizens who benefit will have Ed Early's persistence to thank for its passage. I know, Ed, how surely you will miss this role as a Senator, as we will miss you. Your devotion to your constituents and to the legislative process is an example for all of us who continue to serve. Your ability to see opportunity where others see doom, your ability to take an idea and make its time come will surely serve you well in whatever future you build for yourself. Your easy laughter and good humor will surely win you new friends as devoted to you as we are. We thank you for your friendship, your creativity and your years of hard work. Godspeed, my friend, and know our door is always open to a friend such as you.

The PRESIDENT pro tempore. The Chair wishes to join with everybody in wishing the departing Members from the Senate the very best as they go out into the real world and hope they have a good Thanksgiving and that the Members have a good Thanksgiving and that everybody arrives home safely. We also hope the three departing Members will come back and visit us.

PETITIONS AND REMONSTRANCES

Senator SCANLON. Mr. President, in order to have the record straight, I would like to indicate that had the resolution I offered been considered and read, it would have mandated the continuance of the Liquor Control Board for an additional ten years.

SENATE CONCURRENT RESOLUTION

ADJOURNMENT SINE DIE

Senator STAUFFER offered the following resolution, which was read as follows:

In the Senate, November 26, 1986.

RESOLVED, (the House of Representatives concurring), That this 170th Regular Session of the General Assembly adjourn Sine Die on the twenty-sixth day of November, one thousand nine hundred and eighty six, at 4:50 o'clock a.m., Eastern Standard Time.

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

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

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

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—48

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

NAYS—0

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Lottie Neff by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Alexander Walkowski, Mr. and Mrs. Edward MacCosbe and to Mr. and Mrs. G. Joshua Cerminara by Senator Bodack.

Congratulations of the Senate were extended to the Eastern Lebanon County High School Boys Soccer Team by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Donald F. Albright, Mr. and Mrs. Jay M. Shenk, Mr. and Mrs. Henry Ritchey, Mr. and Mrs. Paul Guyer, Mr. and Mrs. Gerald Wert, Mr. and Mrs. Paul Knepley, Mr. and Mrs. Edward A. Workman, Mr. and Mrs. Robert C. Harpster, Mr. and Mrs. Guy A. Ludington, Mr. and Mrs. Dean A. Schade, John Milton Kriner, II and to Paul M. Antolosky by Senator Corman.

Congratulations of the Senate were extended to the Honorable Emil E. Narick by Senator Fisher.

Congratulations of the Senate were extended to Kenton W. Keiser, Abington Township Public Library, Upper Dublin Marching Cardinals of Fort Washington, Wissahickon High School Marching Unit, Upper Moreland High School Marching Unit, Gustav J. "Gus" Hanson and to Jeanne Marie Corkery by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Paul P. Benfer, Charles Kunes, Catherine Scicchitano, Mr. and Mrs. George Wynn, Selinsgrove Area High School Field Hockey Team, Jennette Parrish, Dione Lewis, Michelle Edwards, Mr. and Mrs. Robert Haddock, Sr., Mr. and Mrs. Harry C. Fetzer, Mr. and Mrs. Elmer H. Mull, William J. Bechtel, James "Jimmy" Spencer, Mr. and Mrs. Loraine

Drumheiser, Mr. and Mrs. William Nuss, Mt. Carmel Borough, Holy Spirit A Midget Football Team of Mt. Carmel, Gregory Snyder, Mr. and Mrs. William Quinn, Brian P. Danilowicz, Mr. W. M. "Rocky" Rees, Robert Rohm, Gary E. Sites and to the Mt. Carmel Area High School Tornadoes Football Team by Senator Helfrick.

Congratulations of the Senate were extended to Tara S. Renish, Ellen B. Renish, John W. Ewan, Howard R. Ewan, Ruth A. Trovinger, North Penn Marching Knights and to the Highway Home for the Aged, Incorporated by Senator Holl.

Congratulations of the Senate were extended to Mr. David C. Sims, Louise Reddy Grady and to the Cumberland Valley High School Marching Band by Senator Hopper.

Congratulations of the Senate were extended to the Voices of McCollough by Senator Jones.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Maisano, Mr. and Mrs. Lewis B. Otto, Mr. and Mrs. Ben Hadley, Mr. and Mrs. Joseph S. Lozinski, Mr. and Mrs. Benjamin Strausser, Mr. and Mrs. A. Roy Brethauer, Mr. and Mrs. Charles Keith, Mr. and Mrs. Thomas G. Graham, Mr. and Mrs. Joseph J. Duva, Mr. and Mrs. Ralph Hess, Mr. and Mrs. Merle Hinish, Mr. and Mrs. Ernest S. Baker, Mr. and Mrs. Paul Swanger, Mr. and Mrs. William Stellabotte, Mr. and Mrs. Vance D. Myers, Mr. and Mrs. Melvin Muckel and to Mr. and Mrs. Russell R. Boyles by Senator Jubelirer.

Congratulations of the Senate were extended to John Littell Pollock by Senator Kelley.

Congratulations of the Senate were extended to Mrs. Harriet Mae Cox, George F. Ralston, Alexander H. Wyckoff, James Thomas, Mr. and Mrs. Orlando Menchi, Mr. and Mrs. Thomas J. Kmush, Mr. and Mrs. William Tischler, Mr. and Mrs. Willard H. Robinson, Mr. and Mrs. Frank Parente, Mr. and Mrs. John J. Feddock, Mr. and Mrs. Frank O'Malley, Mr. and Mrs. John Habina, Franconi Auto Parts, Mr. and Mrs. George A. Bowman, Dale A. Butz, Mr. and Mrs. Robert T. Griffis, Mr. and Mrs. Lloyd G. Colio, Sr. and to Mr. and Mrs. Emra Travers by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Bill Little, Jr., Vance Wilson, Robert Paholsky and to Benjamin Miller by Senator Lincoln.

Congratulations of the Senate were extended to Jane Anderson, Bruce B. Morgan and to the Very Reverend Donald M. Whitesel by Senator Loeper.

Congratulations of the Senate were extended to Samuel F. Amodei by Senator Lynch.

Congratulations of the Senate were extended to Mary H. Gillette, Mr. and Mrs. Lewis N. Hall, Mr. and Mrs. Ivan Watson, Mr. and Mrs. George Stanley, Mr. and Mrs. Daniel P. Wynne, Mr. and Mrs. D. Lester Hoover, Mr. and Mrs. Stuart E. Hall, Mr. and Mrs. Keith McCarty, Mr. and Mrs. William A. Clark, Mr. and Mrs. John J. Schon, Mr. and Mrs. Oran R. Weaver, Mr. and Mrs. Ray E. Lockard, Mr. and Mrs. Clifford May, Mr. and Mrs. Charles W. Carpenter, Mr. and Mrs. William M. Lyons, Mr. and Mrs. Bernard C. Childs, Mr. and Mrs. William R. Marcusky, Mr. and Mrs.

Ford W. Bonnell and to Mr. and Mrs. Edmund T. Morgan by Senator Madigan.

Congratulations of the Senate were extended to Sister Charity, Damian Harris and to Richard Harris by Senator Mellow.

Congratulations of the Senate were extended to Wilson C. Hansbury, Mr. and Mrs. Leroy C. Wright and to Mr. and Mrs. Paul E. Bogar by Senator Moore.

Congratulations of the Senate were extended to Andrew C. Donaldson and to David Eisenhower by Senator Musto.

Congratulations of the Senate were extended to the Port Allegany High School Gators Football Team by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Stettler, Mr. and Mrs. Walter H. Beil, Northampton Business and Professional Women's Club, Brian R. Fritz, Michael Jones, Christopher E. Smith, James J. O'Kane III and to Nick J. DiVietro by Senator Reibman.

Congratulations of the Senate were extended to Joseph Long, Raymond Monahan, Mr. and Mrs. Carl Everett, Mr. and Mrs. Eugene Lapos, Mr. and Mrs. Edward Kruczek, Warren H. Holmes, Mr. and Mrs. Nicholas J. Forte, Mr. and Mrs. James Kane, Mr. and Mrs. Michael Repko, Mr. and Mrs. Francis Keiser, Sr., Mr. and Mrs. Clarence Keiser, Mr. and Mrs. John R. Richter, Randy E. Huber and to the Mahanoy Area Varsity Football Team by Senator Rhoades.

Congratulations of the Senate were extended to Thomas McCormick by Senator Rocks.

Congratulations of the Senate were extended to Lester A. Hamburg by Senator Romanelli.

Congratulations of the Senate were extended to Mike Schmidt and to Thomas White by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Cecil McCandless, Mr. and Mrs. Joseph Langa, Mr. and Mrs. John V. Lees, Mr. and Mrs. Hubert James Sherwood, Mr. and Mrs. Lloyd A. Green, Mr. and Mrs. Philip Wagner, Mr. and Mrs. Hawley M. Snyder, Mr. and Mrs. William F. Burns and to Mr. and Mrs. Harry Flick by Senator Shaffer.

Congratulations of the Senate were extended to Dr. S. Sava Macut and to Dominic D. DiFrancesco by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Mathis, Harry J. Studebaker, His Excellency, The Most Reverend James J. Hogan, Mr. and Mrs. Charles J. Stefanic and to the Immaculate Conception of the Blessed Virgin Mary Ukrainian Catholic Church of Barnesboro/Spangler by Senator Singel.

Congratulations of the Senate were extended to Mr. and Mrs. John Platt, Mr. and Mrs. David E. Roush, Mr. and Mrs. Chuck Murray, Mr. and Mrs. Wilson Spicher, Mr. and Mrs. Robert H. Jeffries, Mr. and Mrs. Lloyd A. Carney, Mr. and Mrs. John D. Jones, Mr. and Mrs. James R. Mauthe, Mr. and Mrs. William B. Oakes, Mr. and Mrs. Carl Waldbisser and to the Indiana University of Pennsylvania Football Team by Senator Stapleton.

Congratulations of the Senate were extended to John Schmidt and to Mark Spinnenweber by Senator Stauffer.

Congratulations of the Senate were extended to Mabel Pollock, Mr. and Mrs. Louis Bruno, Mr. and Mrs. Kenneth H. Main, Mr. and Mrs. Frank Skowvron, Mr. and Mrs. Silvio Corso, Mr. and Mrs. Charles R. Sowers, Mr. and Mrs. Rupert Martinko, Sr., Dave Sims and to Bob Logue by Senator Stout.

Congratulations of the Senate were extended to Arnold G. Lueck by Senator Wenger.

Congratulations of the Senate were extended to the Sharpsville Area Senior High School Football Team and to the Cochranon Ministerial Association by Senator Wilt.

Congratulations of the Senate were extended to Patrick Frederick, Michael Sutton, James Shernisky and to Jeffery Sutton by Senator Zemprelli.

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 Whitfield Nottage by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Mrs. Ruth Z. Lemmond by Senators Jubelirer, Stauffer and Zemprelli.

Condolences of the Senate were extended to the family of the late Stanley Konefal by Senator Lewis.

Condolences of the Senate were extended to the family of the late Gayle M. Bowman by Senator Madigan.

Condolences of the Senate were extended to the family of the late Dr. Ivor D. Fenton by Senator Rhoades.

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 Robert T. Brennan was extended to Mrs. Robert T. Brennan and family by Senator Rhoades.

A posthumous citation honoring the late Dermot Harris was extended to the family by Senator Mellow.

LAUDATORY RESOLUTION

The PRESIDENT pro tempore laid before the Senate the following resolution offered by Senator Stauffer, which was read, considered and adopted:

A laudatory resolution was extended to the Upper Merion Township Board of Supervisors and other people and organizations for their heroic actions in responding to an extremely serious, dangerous and life-threatening emergency; their prompt, professional and decisive response averted a tragedy.

HOUSE MESSAGES**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 942** and **1642**.

**HOUSE RECEDES FROM ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE**

The Clerk of the House of Representatives informed the Senate that the House has receded from its amendments non-concurred in by the Senate to **SB 1373**.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 776**.

BILLS SIGNED

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

SB 408, 628, 1125, 1141, 1276, 1373, 1448, 1467, 1484, HB 35, 37, 41, 42, 141, 147, 188, 241, 247, 278, 293, 349, 459, 607, 821, 942, 1160, 1362, 1498, 1642, 1735, 1776, 1921, 2099, 2174, 2199, 2274, 2474, 2594, 2606 and **2749**.

HOUSE MESSAGE**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Adjournment Sine Die.

ADJOURNMENT SINE DIE

Senator **STAUFFER**. The hour of 4:50 o'clock a.m. having arrived, I move that the 170th Session of the Senate of Pennsylvania adjourn Sine Die.

The **PRESIDENT** pro tempore. Senator Stauffer moves that the Senate of Pennsylvania do now adjourn Sine Die.

The Senate adjourned Sine Die November 26, 1986, at 4:50 a.m., Eastern Standard Time.