

LEGISLATIVE JOURNAL

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SESSION OF 1987 171ST OF THE GENERAL ASSEMBLY

No. 47

SENATE

WEDNESDAY, June 17, 1987.

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

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

PRAYER

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

Almighty God, be with us today in our deliberations. Let us all act in the interest of all Pennsylvanians and all humanity. Endow us with the wisdom to do that which is right for all people. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 16, 1987.

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

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

June 16, 1987

HB 83 — Committee on Appropriations.

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:

June 16, 1987

Senators GREENLEAF, LYNCH, GREENWOOD, HESS, SHUMAKER, FISHER, SALVATORE, LEWIS, HELFRICK and MELLOW presented to the Chair **SB 890**, entitled:

An Act amending the act of December 22, 1983 (P. L. 303, No. 83), entitled "Animal Destruction Method Authorization Law," prohibiting the use of animals for certain purposes.

Which was committed to the Committee on JUDICIARY, June 16, 1987.

Senator ROCKS presented to the Chair **SB 891**, entitled:

An Act making an appropriation to the Spring Garden College, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 16, 1987.

Senators REGOLI, ROMANELLI, MUSTO, LYNCH, SALVATORE, PECORA, AFFLERBACH and ANDREZESKI presented to the Chair **SB 892**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," providing for eligibility of injured workers.

Which was committed to the Committee on LABOR AND INDUSTRY, June 16, 1987.

Senator REGOLI presented to the Chair **SB 893**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the expiration of new car registrations.

Which was committed to the Committee on TRANSPORTATION, June 16, 1987.

Senator LEWIS presented to the Chair **SB 894**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for special occasion permits.

Which was committed to the Committee on LAW AND JUSTICE, June 16, 1987.

Senator LEWIS presented to the Chair **SB 895**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," authorizing governing bodies to grant conditional uses for senior citizens who wish to rent out a portion of their principal residence.

Which was committed to the Committee on LOCAL GOVERNMENT, June 16, 1987.

Senator TILGHMAN presented to the Chair **SB 896**, entitled:

An Act limiting the authority of the Department of Environmental Resources to require lifeguards at public bathing places.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 16, 1987.

Senators SHAFFER, PECORA, STAPLETON, HESS, MUSTO, FISHER, SALVATORE, FUMO, ANDREZESKI, ROMANELLI, RHOADES, REIBMAN, BELL, REGOLI and HELFRICK presented to the Chair **SB 897**, entitled:

An Act designating the fountain in the plaza of the East Wing of the Main Capitol Building as the Vietnam Veterans Memorial Fountain.

Which was committed to the Committee on **MILITARY AND VETERANS AFFAIRS**, June 16, 1987.

Senators SHAFFER and SALVATORE presented to the Chair **SB 898**, entitled:

An Act amending the act of May 26, 1947 (P. L. 318, No. 140), entitled, as amended, "The C.P.A. Law," further providing for a title or designation.

Which was committed to the Committee on **CONSUMER PROTECTION AND PROFESSIONAL LICENSURE**, June 16, 1987.

RESOLUTIONS INTRODUCED AND REFERRED

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

June 16, 1987

MEMORIALIZING CONGRESS TO APPROVE A SUPPLEMENTAL APPROPRIATION TO INCREASE FUNDS FOR THE SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM

Senators SHAFFER, BELL, WILT, REIBMAN, JONES, SALVATORE and STAPLETON offered the following resolution (**Senate Resolution No. 87**), which was read and referred to the Committee on Labor and Industry:

In the Senate, June 16, 1987.

A RESOLUTION

Memorializing Congress to approve a supplemental appropriation to increase funds for the Summer Youth Employment and Training Program.

RESOLVED, That the Senate of Pennsylvania memorialize the United States Congress to expeditiously approve a supplemental appropriation to increase funds for the Summer Youth Employment and Training Program; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

MEMORIALIZING CONGRESS TO REFORM PUBLIC ASSISTANCE LAWS TO REQUIRE THE OFFERING OF OCCUPATIONAL TRAINING TO WELFARE RECIPIENTS

Senators SHAFFER, WILT, REIBMAN, JONES and SALVATORE offered the following resolution (**Senate Resolution No. 88**), which was read and referred to the Committee on Public Health and Welfare:

In the Senate, June 16, 1987.

A RESOLUTION

Memorializing Congress to reform public assistance laws to require the offering of occupational training to welfare recipients.

RESOLVED, That the Senate of the Commonwealth of Pennsylvania memorialize the United States Congress to reform the system of public assistance to mandate the availability of occupational training for welfare recipients for employment in the private sector with significant input by the Private Industry Councils; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

MEMORIALIZING CONGRESS TO RESTORE TO MAY 30TH, THE OBSERVATION OF MEMORIAL DAY

Senators SHAFFER, BELL, REIBMAN, MOORE, SALVATORE and FUMO offered the following resolution (**Senate Resolution No. 89**), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, June 16, 1987.

A RESOLUTION

Memorializing Congress to restore to May 30th, the observation of Memorial Day.

RESOLVED, That the Senate of Pennsylvania memorializes the United States Congress to enact legislation which would restore the observance of Memorial Day to its traditional date of May 30th; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REPORTS FROM COMMITTEES

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

SB 324 (Pr. No. 1132) (Amended)

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

Senator HESS, from the Committee on Education, reported the following bills:

SB 152 (Pr. No. 1131) (Amended)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the sale of unused and unnecessary lands and buildings.

SB 250 (Pr. No. 261)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing the provision of instruction by telecommunications system equipment for homebound children; further providing for payments on account of instruction of certain special education and homebound children; and making editorial corrections.

SB 744 (Pr. No. 1133) (Amended)

An Act providing for the creation, establishment, operation and administration of community colleges; imposing additional duties on the State Board of Education, the Department of Education and the council of Higher Education; authorizing the sponsorship of community colleges; providing for the imposition of additional taxes; authorizing Commonwealth reimbursements; and making repeals.

SB 841 (Pr. No. 1012)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing the Pennsylvania Writing Project, designed to improve the writing skills of teachers and students of this Commonwealth; imposing additional powers and duties on the State System of Higher Education; and making an appropriation.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request temporary leaves on behalf of Senator Madigan and Senator Fisher.

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

Senator LOEPER. Mr. President, I have one additional temporary Capitol leave on behalf of Senator Stauffer.

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

Senator LOEPER. Mr. President, in addition to those leaves which I had previously requested, I would also request a temporary Capitol leave on behalf of Senator Hopper.

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

LEAVE OF ABSENCE

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

CALENDAR

**BILL WHICH HOUSE HAS NONCONCURRED
IN SENATE AMENDMENTS**

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE**

HB 210 (Pr. No. 1727) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), known as the "Board of Vehicles Act," further providing for approval of vehicle shows and exhibitions; and exempting from certain board approval all vehicle shows and exhibitions conducted during and at certain fairs, or conducted by charitable organizations.

Senator LOEPER. Mr. President, I move the Senate do insist upon its amendments to House Bill No. 210, and that a

Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Stauffer. His leave will be cancelled. The Chair notes the presence on the floor of the gentleman from Cumberland, Senator Hopper. His leave will be cancelled.

**WIFE OF SENATOR AFFLERBACH
PRESENTED TO SENATE**

Senator AFFLERBACH. Mr. President, it is my privilege today to introduce to my colleagues in the Senate the Vice President of the Pennsylvania Physical Therapy Association who is with us in the gallery. She is a resident of my Senatorial district. Her name is Barbara Afflerbach. If you notice the similarity in the surname, it is because she also happens to have me as her husband.

The PRESIDENT pro tempore. Would the very special guest of Senator Afflerbach please rise so that we may give you a very special welcome.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

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

HB 1286 (Pr. No. 1547) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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

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

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.

PREFERRED APPROPRIATION BILLS RECOMMITTED

HB 1287 (Pr. No. 1846) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Appropriations.

HB 1288 (Pr. No. 1474) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Appropriations.

HB 1289 (Pr. No. 1475) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Appropriations.

HB 1290 (Pr. No. 1476) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to The General State Authority.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 87, SB 409, 678 and 738 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

HB 1000 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 7 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREPORTED FROM COMMITTEE AS AMENDED REREFERRED

SB 786 (Pr. No. 1115) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for the licensing and regulation of personal care facilities; establishing the Personal Care Facility Advisory Council and providing for its powers and duties; further providing for regulations by the department.

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 852 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER

HB 98 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

HB 245 (Pr. No. 1622) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the right to cancel the purchase of time-shares.

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

BILL OVER IN ORDER

HB 279 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 281 (Pr. No. 295) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for the definition of "superannuation or normal retirement age."

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

BILLS OVER IN ORDER

HB 365, 369, SB 401, 426, HB 429, SB 519, 525 and HB 526 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SB 617 (Pr. No. 1031) — 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, for guidelines and for injunctive relief.

The bill was considered.

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

Senator LOEPER. Mr. President, I would request that Senate Bill No. 617 go over in its order.

Senator LINCOLN. Mr. President, I would object to Senate Bill No. 617 going over in its order and I would ask for a roll call vote.

Senator LOEPER. Mr. President, I would move that Senate Bill No. 617 go over in its order.

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

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

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

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

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 ROSS. 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 LOEPER and Senator LINCOLN and were as follows, viz:

YEAS—26

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

NAYS—23

Afflerbach	Kelley	O'Pake	Stapleton
Andrezeski	Lewis	Regoli	Stewart
Bodack	Lincoln	Reibman	Stout
Fumo	Lynch	Rocks	Williams
Hankins	Mellow	Romanelli	Zemprelli
Jones	Musto	Ross	

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

The PRESIDENT pro tempore. Senate Bill No. 617 will go over in its order.

SB 659, 700, 701, 703, 752, 805 and 854 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREFERRED

SB 864 (Pr. No. 1109) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," extending for two years the period during which apparel industry loans may be made.

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

SB 869 (Pr. No. 1072) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for audits of the unified judicial system by the Auditor General; and making an appropriation.

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

BILLS OVER IN ORDER

SB 872 and 873 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Andrezeski who has been called to his office.

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

CONSIDERATION OF CALENDAR RESUMED

HB 1000 CALLED UP

HB 1000 (Pr. No. 1735) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED AND REREFERRED

HB 1000 (Pr. No. 1735) — The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," providing for the reestablishment, powers and duties of the board; providing ethical standards for the board and its members and employees; establishing administrative officers and units for the administration and enforcement of the act; providing for the powers and duties of the Auditor General, State Treasurer, Attorney General and Pennsylvania State Police; further providing for licenses, for penalties, for funding and for disposition of moneys; and transferring personnel, property and appropriations.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

SHUMAKER AMENDMENT I

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

Amend Sec. 4 (Sec. 102), page 16, line 3, by inserting brackets before and after "one hundred thousand (100,000)" and inserting immediately thereafter: two hundred thousand (200,000)

Amend Sec. 4 (Sec. 102), page 19, lines 1 and 2, by inserting brackets before and after "one hundred forty-four" and inserting immediately thereafter: one hundred ninety-two

Amend Sec. 8 (Sec. 201), page 22, line 3, by striking out "LEADER" and inserting: floor leaders

Amend Sec. 8 (Sec. 201), page 22, line 5, by inserting after "EACH": such

Amend Sec. 10 (Sec. 207), page 29, by inserting brackets before "and" in line 9 and after "act" in line 10

Amend Sec. 10 (Sec. 207), page 29, line 16, by striking out the brackets before and after "examiners,"

Amend Sec. 10 (Sec. 207), page 30, line 23, by inserting after "funds": and credit cards

Amend Sec. 10 (Sec. 207), page 30, lines 24 and 25, by striking out "; and for the use of credit cards"

Amend Sec. 13 (Sec. 210), page 33, line 29, by inserting after "BOARD": or enforcement bureau

Amend Sec. 13 (Sec. 210), page 33, line 30, by inserting after "BOARD": or enforcement bureau

Amend Sec. 13 (Sec. 210), page 34, line 30, by inserting after "BOARD": or enforcement bureau

Amend Sec. 14 (Sec. 212), page 40, line 30; page 41, line 1, by striking out all of said lines on said pages and inserting: established by the Executive Board.

Amend Sec. 14 (Sec. 215), page 42, lines 13 and 14, by striking out "an assistant director for purchasing and an assistant" in line 13, all of line 14 and inserting: who shall be assisted by such other personnel as he or she deems necessary.

Amend Sec. 22 (Sec. 401), page 51, lines 8 and 9, by inserting brackets before and after "one hundred forty-four" and inserting immediately thereafter: one hundred ninety-two

Amend Sec. 29 (Sec. 407), page 64, line 22, by inserting brackets before and after "one hundred forty-four" and inserting immediately thereafter: one hundred ninety-two

Amend Sec. 30 (Sec. 408), page 191, line 15, by inserting brackets before and after "of Females"

Amend Sec. 30 (Sec. 408), page 191, line 17, by inserting brackets before and after "female" and inserting immediately thereafter: person

Amend Sec. 30 (Sec. 408), page 191, lines 19 and 29, by inserting brackets before "": Provided," in line 19 and after "place" in line 29

Amend Sec. 30 (Sec. 408), page 192, line 4, by inserting brackets before and after "female" and inserting immediately thereafter: person

Amend Sec. 83 (Sec. 495), page 195, lines 18 and 19 by striking out "Alcohol Beverages Commission" and inserting: board

Amend Sec. 97 (Sec. 507), page 207, line 11, by striking out the brackets before and after "board"

Amend Sec. 99, page 209, line 1, by striking out "and amended"

Amend Sec. 141, page 281, line 30, by striking out "commission" and inserting: board

Amend Sec. 141, page 282, lines 9 and 10, by striking out "Alcoholic Beverages Commission" and inserting: Pennsylvania Liquor Control Board

Amend Sec. 146, page 283, line 15, by striking out "commission" and inserting: board

Amend Sec. 148, page 284, line 13, by inserting after "CHAIRMAN": and minority chairman

Amend Sec. 148, page 284, line 14, by inserting after "CHAIRMAN": and minority chairman

Amend Bill, page 284, by inserting between lines 27 and 28:

Section 149. Notwithstanding any sections of this act to the contrary, Article VI-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall supersede this act to the extent there are any inconsistencies with regard to fees charged by the Liquor Control Board.

Amend Sec. 149, page 284, line 28, by striking out "149" and inserting: 150

Amend Sec. 150, page 284, line 30, by striking out "150" and inserting: 151

Amend Sec. 151, page 285, line 5, by striking out "151" and inserting: 152

Amend Sec. 152, page 285, line 10, by striking out "152" and inserting: 153

Amend Sec. 153, page 285, line 12, by striking out "153" and inserting: 154

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?

SHUMAKER AMENDMENT II

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

Amend Sec. 25 (Sec. 404), page 57, lines 17 and 19, by inserting a bracket before " or" in line 17 and after "oil" in line 19

Amend Sec. 25 (Sec. 404), page 58, line 21, by inserting after "license.": The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted.

Amend Sec. 45 (Sec. 432), page 107, lines 27 and 29, by inserting a bracket before “, or” in line 27 and after “oil” in line 29

Amend Sec. 45 (Sec. 432), page 108, line 5, by inserting after “licensed.”: The board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

Senator ARMSTRONG. Mr. President, would it be possible to have a brief explanation of the amendments? Some of these just go right in and I have no idea what they are. I would like just a brief explanation, if possible, because some of these are very controversial, perhaps, and I do not want to get stuck.

The PRESIDENT pro tempore. I understand that some of these are agreed to, even though they are technical in nature. If the maker of the amendment would offer a very brief explanation, I think it would help all the Members. The Chair will also request that the numbers of the amendment be read so that people who have the amendments can follow them, and the Chair will try and direct traffic as best we can up here, recognizing again the sensitivity of the issue we are facing and the meaning of the amendments to each and every Member who votes.

POINT OF ORDER

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

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

Senator SALVATORE. Mr. President, my family happens to be in the beer business, and I want a ruling from the Chair as to whether I can be permitted to vote on this following legislation.

The PRESIDENT pro tempore. The Chair rules that the gentleman is a member of a class and that he would be required to vote under the Rules of the Senate.

Senator SHUMAKER. Mr. President, I will do all of these if you desire. I will take the first one. These are the result of amendments that were made in committee. The gentleman from Lancaster, Senator Armstrong, said if I indicate they are technical and not substantive, he has no problems.

The PRESIDENT pro tempore. If you would just so indicate.

Senator SHUMAKER. Mr. President, I would so indicate and I thought I had indicated, and I apologize if I did not.

And the question recurring,

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

SHUMAKER AMENDMENT III

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

Amend Sec. 18 (Sec. 304), page 45, line 16, by inserting after “holidays”: as defined in section 113 of the act of November 30, 1965 (P.L.847, No.356), known as the “Banking Code of 1965,”

Amend Sec. 18 (Sec. 304), page 45, lines 17 and 18, by inserting brackets before and after “, during such hours as the board, in its discretion,” and inserting immediately thereafter: . Store managers, subject to board approval,

Amend Sec. 18 (Sec. 304), page 45, line 19, by striking out the bracket before “, but”

Amend Sec. 18 (Sec. 304), page 45, line 19, by inserting after “determine[“: the hours of operation

Amend Sec. 18 (Sec. 304), page 45, line 21, by striking out the bracket after “postmeridian”

Amend Sec. 18 (Sec. 304), page 45, line 21, by inserting a bracket before and after “: Provided, That the” and inserting immediately thereafter: . Where a State Liquor Store is located within a retail sales area consisting of three or more retail stores, the hours of operation of such State Liquor Store shall conform to the general practice of business in the area of the store, where possible. The

On the question,

Will the Senate agree to the amendment?

Senator SHUMAKER. Mr. President, the purpose of this next amendment is, where a State Liquor Store is located within a retail sales area consisting of three or more retail stores, the hours of operation of such State Liquor Store shall conform to the general practice of business in the area of the store, where possible. As an example, what is intended, where there is a shopping center or a group of stores together with a State Liquor Store and people frequent these at hours not now provided by the state Liquor Control Board, they will conform to the operating hours of that particular location. The purpose of this is to give better marketing procedures to people who cannot always conform to the very strict hours which are uniform at the present time.

Senator BELL. Mr. President, I am quite puzzled by this amendment. I see something I do not think the author intended. Many of my business areas are open on Sunday. We have liquor stores in complexes, like shopping centers, that are open on Sunday. I think this should be clarified before it is voted on and withdrawn until such time as it is clarified. It does not authorize Sunday and around-the-clock sales.

The PRESIDENT pro tempore. I would take that in the form of an interrogation, and if Senator Shumaker wishes to address it at this time, I think it would be appropriate.

Senator SHUMAKER. May we be at ease for a minute, please, Mr. President?

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

(The Senate was at ease.)

Senator SHUMAKER. Mr. President, Section 304 says that, “Every Pennsylvania Liquor Store shall be open for business week days, except legal holidays” as defined in the banking code “or any day on which a general, municipal, special or primary election is being held....” It is the legislative intent that this section not be disturbed. I think we should

put that on the record. This is for those shopping centers not open twenty-four hours a day and not on the restrictions already in here, but so they can flex their hours and make them more compatible with the shopping practices of that particular center or gathering of stores.

LEGISLATIVE LEAVE

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

The PRESIDENT pro tempore. Senator Moore requests a temporary Capitol leave for Senator Peterson. The Chair hears no objection. That leave will be granted.

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

Senator WILLIAMS. Mr. President, I desire to interrogate the gentleman from Dauphin, Senator Shumaker.

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

Senator SHUMAKER. I will, Mr. President.

Senator WILLIAMS. Mr. President, in the interpretation of this amendment, could the gentleman define what is meant by "conforming to the general practice of business?" Precisely, what does that mean? If those retail stores are open all night, would the State Stores be allowed to stay open all night long to sell liquor?

Senator SHUMAKER. Mr. President, I think I have already stated the legislative intent is that we do not have twenty-four hour a day operations.

Senator WILLIAMS. Mr. President, the amendment says "shall conform to the general practice of business in the area." What does the "general practice of business" mean and where is it defined so that the Legislature can be certain as to what is meant by this legislation?

Senator SHUMAKER. Mr. President, we have already stated it in Section 304. It says, "When Sales May Be Made by Pennsylvania Liquor Stores." All this is intended to do is at the present time every store has to open at the same hour and close at the same hour. The purpose of this is to give flexibility so they could accommodate areas such as the shopping areas or the shopping centers. This would not permit Sunday sales or holiday sales or other things which are already prohibited in the act.

Senator WILLIAMS. Mr. President, understanding what the purpose in the gentleman's mind may be, I return to a request for the gentleman to define what the words of the amendment say, and that is, is there anywhere in the legislation where we can tell what the term "general practice of business" means, aside from the gentleman's intent in his own mind?

Senator SHUMAKER. Mr. President, the answer to that is no, but if you look at the last line—

Senator WILLIAMS. Mr. President, do I understand the gentleman to say "no?"

Senator SHUMAKER. Mr. President, that is what I said, yes.

Senator WILLIAMS. Mr. President, the gentleman need go no further. I thank the gentleman for the answer to that particular interrogation. I do have another, though. Where it says, "for stores within a retail sales area consisting of three or more stores," exactly where can we define what a retail sales area is? Is there anywhere where retail sales area is defined in terms of the geography or anything else?

Senator SHUMAKER. Mr. President, I believe I have already answered that question. The answer is "no," but I would point out that it says, "a business practice in the area of the store, where possible." Where possible refers to the restriction—

Senator WILLIAMS. Mr. President, maybe the gentleman understands I am off of the last question. I am on to another question.

Senator SHUMAKER. Mr. President, would the gentleman please repeat his question?

Senator WILLIAMS. Mr. President, I would be glad to. My new question is, where the amendment calls for "within a retail sales area consisting of three or more stores," I want to know if there is anywhere in this amendment or in the law where "retail sales area" is defined and exactly what does a "retail sales area" mean?

Senator SHUMAKER. Mr. President, would you please advise the gentleman that retail stores are not defined. I think retail stores is a generally accepted term.

Senator WILLIAMS. No, Mr. President, again, the gentleman misunderstands my question. I am going by the amendment and I want to know what is "retail sales area," not store, what would that area mean? How is that defined in the legislation, in the law or anywhere?

Senator SHUMAKER. Mr. President, it says, "a retail sales area consisting of three or more retail stores." I think that is very clear. This is also subject to the regulations issued by the board.

Senator WILLIAMS. Mr. President, three stores in what area? Three stores in a five-mile area, three stores in a ten-mile area, three stores in one block? In other words, if three stores would comprise a retail sales area, as I have suggested, if I have three stores in fifty miles, could that be in two miles, in one block? Is there anywhere for the board or us to know what that area would be? We know what the number is. The number is not the problem but the physical area is. Is there anywhere for us to tell what that area is?

Senator SHUMAKER. Mr. President, is that one question?

Senator WILLIAMS. Mr. President, well, I will make it one question. What is the geographical area within which three stores are to be contained?

Senator SHUMAKER. Mr. President, in answer to the gentleman's question, the answer is that the board itself can very well define what a retail area is.

Senator WILLIAMS. Mr. President, is there anywhere in the law which allows the board to define the geographical retail sales area contained in your amendment?

Senator SHUMAKER. Mr. President, the board has the power to issue regulations to carry out the intent of the act.

We have already given the legislative intent of the act, and I think they have that authority.

Senator WILLIAMS. Mr. President, there is a repeated reference to the intent of the act, the intent of the Legislature. As it relates to the gentleman's amendment, is he saying there is an intent implied in this amendment that is already agreed to? If so, what is that intent he refers to?

Senator SHUMAKER. Mr. President, no action has been taken on this amendment, so I do not know what has been agreed to.

Senator WILLIAMS. Mr. President, just for clarification, there is reference to the fact that there is an apparent legislative intent that is implied in this amendment and the board can make some rules around. Is there an intent anywhere in the act or his amendment relating to what a retail sales area is?

Senator SHUMAKER. Is there any specific definition of it in the proposed amendment or the act? Mr. President, the answer to that question is "no."

Senator WILLIAMS. One final interrogation, Mr. President. That is as relates to Sunday sales. As I read the amendment, it says that liquor stores shall conform to the general business practice in the area, and, admittedly, there is no limitation in there as to Sundays, holidays, or what have you. Would he not agree, Mr. President, that his amendment would be improved if he would clearly make an exception in there as to liquor sales so there would be no misunderstanding?

Senator SHUMAKER. Mr. President, would you please advise the gentleman that if he would read Section 304, I believe that is already covered and that prohibition is already in the act.

Senator WILLIAMS. Mr. President, I have no further interrogation. I would like to speak on the amendment.

Mr. President, just as to the last point, it is obvious to me that this new amendment would allow Sunday sales, and there is no prohibition because it says they can be open depending on the general business practices of that area. At the very least, on such an important subject, why would we even want to guess? I would suggest it would be very dangerous to have a loose intention to something as fundamental as the very controversial question of Sunday sales.

Secondly, Mr. President, it is clear that the offerer of the amendment has indicated that the heart of the amendment speaks with, I guess, an empty sound because it says "the general business practice." There is no definition anywhere as to business practices. I would hate to be in a position, having passed a law on such an important issue and once it is called to our attention to pass it where there obviously is no standard as to what a general business practice is. There just is none.

Further, with equal import, the amendment says, "where three stores exist." It does not tell us three stores within a block, three stores within two blocks, or what have you. It is just an open-ended shot at a windfall permission to allow more liquor to be sold for no good reason.

Finally, if, in fact, this loosely constructed amendment were tight and did say what the gentleman who offered it

intended to say, if, in fact, that did happen, I would ask why should these areas be excepted? Why should there be a promotion to sell more liquor just because some other people, either out of necessity or out of greed, want to keep on selling? The intent of the liquor laws of this Commonwealth long have been and, at least in part, continue to be to control the sale and disbursement of this drug. Why would we want to carve out all exceptions and allowances just because three stores want to stay open? It just makes no sense to control this drug under some circumstance and then to say why should they not do like other people. They should be excepted when there exist three stores.

I return to the ultimate danger in this, that it speaks with several tongues with no standards whatsoever, as I have tried to indicate. But the danger is what is behind that, and that is a sneaked foot in the door that could mean anything you want it to mean, a permission to allow and promote something that is supposed to be controlled. At the very least, I would suggest, Mr. President, that if, indeed, there is merit in the amendment, at the very least there is no reason why we could not tidy it up, make it clear, make it say what you want it to say and then provide a productive, positive rationale to sell some more liquor in a law which says we should control that drug.

Mr. President, I strongly urge the defeat of the amendment.

LEGISLATIVE LEAVES

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

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Afflerbach who was just called to his office.

The PRESIDENT pro tempore. Senator Mellow requests a temporary Capitol leave for Senator Afflerbach. The Chair hears no objection to that. That leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator SHUMAKER. Mr. President, I have just a brief response to the comments made by the gentleman from Philadelphia, Senator Williams. If he would read Section 304 as it has been amended to date, he would see in there that the definition of when sales may be made by Pennsylvania Liquor Stores is clearly set forth: "That the store managers, subject to board approval, shall determine but shall not be open longer than fourteen hours of operation in any one day nor later than eleven o'clock postmeridian." The act has already clearly stated this so there should be no question in his mind as to hours, and that is not twenty-four hours a day. What this is meant to do is within that fourteen hour parameter is to give convenience to people who will be able to go to these locations or the State Liquor Stores other than have rigid 9:00 a.m. to 9:00 p.m. or 10:00 a.m. to 5:00 p.m. store hours, to give flexibility, and it is already established in the law what the parameters are.

Senator MELLOW. Mr. President, House Bill No. 1000, Printer's No. 1735, at least the way I read it, if that is the printer's number we are dealing with, has brackets around the language that the gentleman is talking about and, therefore, that particular language which is on page 45, lines 18, 19, 20 and 21, basically has been stricken from the bill and, therefore, in fact, is not as has been stated by the sponsor of the amendment.

The PRESIDENT pro tempore. May we consider that a question or an interrogation?

Senator MELLOW. Mr. President, you can consider it a question or a statement or an interrogation.

The PRESIDENT pro tempore. I think the gentleman would like to respond to it in the form of an interrogation and the Chair will so treat it. Senator Shumaker, do you wish to respond to that?

Senator SHUMAKER. Mr. President, I will take it in any one of three manners, so it is all right. No, that has been put back in. They were bracketed out originally and the language has been added.

Senator MELLOW. Mr. President, would the gentleman from Dauphin, Senator Shumaker, allow himself to be interrogated?

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

Senator SHUMAKER. I will, Mr. President.

Senator MELLOW. Mr. President, can the gentleman identify for us the area in which that language is reinstated, because the way we have it, it is bracketed out?

Senator SHUMAKER. Mr. President, he is correct in what he is saying. That is part of this amendment on page 45; Section 18, Section 304, page 45, line 17, by inserting brackets before and after "during such hours the board in its discretion" and inserting immediately thereafter, "Store managers, subject to board approval."

Senator MELLOW. Mr. President, I understand that that is part of the amendment we are working on, but it was my interpretation by the statement that that part was already included in the bill as before us and, in fact, that would only be in the bill as before us if we would accept the amendment that has just been offered by the gentleman from Dauphin, Senator Shumaker, and is not in the bill as currently just before us, is that correct?

Senator SHUMAKER. That is absolutely correct, Mr. President.

Senator MELLOW. I thank the gentleman.

That was the point of clarification that we wanted to make, Mr. President. As far as our feeling on the bill, we believe, Mr. President, that Section 304 does properly address the issue and leaves the discretion with the establishment of the time and the hours with the board, and feel, basically, that this amendment that is being offered is, in fact, not needed, and the bill as it stands with Section 304 in the bill is totally acceptable to us.

Senator HESS. Mr. President, I desire to interrogate the gentleman from Dauphin, Senator Shumaker.

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

Senator SHUMAKER. I will, Mr. President.

Senator HESS. Mr. President, based on the Senator's knowledge and experience and work on this bill, does he know anywhere in this proposed act if the word "weekday" is defined?

Senator SHUMAKER. No, Mr. President, I do not. A weekday, as I understand it, does not include Sundays.

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

I would just like to note for the record that since early childhood I have always been told there are seven days in a week, seven weekdays.

Senator WILLIAMS. Mr. President, I desire to interrogate the gentleman from Dauphin, Senator Shumaker.

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

Senator SHUMAKER. I will, Mr. President.

Senator WILLIAMS. Mr. President, I am a little confused and I would like this to be clarified. It has been clarified that the quotations referred to on page 45 of the bill do not apply because they are bracketed out. The gentleman has indicated, however, in his amendment he has restored the language that is bracketed out. Am I correct in my interpretation?

Senator SHUMAKER. Mr. President, that is correct.

Senator WILLIAMS. Mr. President, in other words, your amendment—and I might add, I am in favor of this part of your amendment, if I am correct—restores the fact that the State Stores cannot be open longer than fourteen hours in any one day nor after 11:00 o'clock, generally speaking, is that right?

Senator SHUMAKER. Mr. President, that is correct, and I might say what would come out is "during such hours as the board, in its discretion," and in its place if this amendment is adopted, "Store managers, subject to board approval, shall determine, but shall not be open longer than fourteen hours in any one day...."

Senator WILLIAMS. Mr. President, I cannot hear the gentleman too clearly and I really want to get this. Could he be a little clearer?

Senator SHUMAKER. All right, Mr. President, if he will look at the bill, page 45, line 1394, the amendment would insert brackets before and after "during such hours as the board, in its discretion" which means that it would take it out. It would then insert immediately after "Store managers, subject to board approval." So it would read, Store managers, subject to board—

Senator WILLIAMS. Mr. President, I lost him because of his voice. After "discretion" I lost what he was saying. The gentleman eliminated "during" up to "discretion." That is eliminated?

Senator SHUMAKER. Mr. President, let us start with page 45, line 1394, that entire line would be bracketed out before the word "during" and after the word "discretion."

Senator WILLIAMS. Mr. President, that is line 18.

Senator SHUMAKER. Mr. President, I understand the confusion. I am using the copy that we had marked up and it is not as it appears here. I will take your lines then. My apology. Line 18, the words "during such hours as the board, in its discretion," that whole line would come out and then you would go to the next line which would be your line 19 and the words "Store managers, subject to board approval" would immediately come after the word where it bracketed out "discretion," and says "Store managers, subject to board approval, shall determine, but shall not be open longer than fourteen hours in any one day...."

Senator WILLIAMS. Mr. President, at that point, store managers shall—

Senator SHUMAKER. Mr. President, store managers, subject to board approval—

Senator WILLIAMS. Mr. President, shall determine?

Senator SHUMAKER. Mr. President, shall determine.

Senator WILLIAMS. Mr. President, what?

Senator SHUMAKER. Mr. President, the hours of operation. After the word "determine," the hours of operation, and then it says "but shall not be open longer than fourteen hours in any one day nor later than eleven o'clock...." Also, there is a bracket, by striking out the bracket after post-meridian.

Senator WILLIAMS. Mr. President, may I stop him right there? That reads "store managers shall determine the operation of store hours but shall not be open." Grammatically, that does not make sense.

Senator SHUMAKER. Mr. President, store managers, subject to board approval, shall determine the hours of operation, but shall not be open longer than—

Senator WILLIAMS. Mr. President, that does not make sense when you say "but stores shall not." If you would say "but stores shall not be open" it would make sense. As it reads, it is grammatically very incorrect and, therefore, if we were dependent on it, there may be a problem, unless it says "but stores shall not be open." If you reread that—

Senator SHUMAKER. Mr. President, I do not know what is modifying what, but—

Senator WILLIAMS. Mr. President, I just want to be clear that your amendment says exactly what you are saying it says.

Senator SHUMAKER. Mr. President, what it is saying is what I am reading in the amendment.

Senator WILLIAMS. Mr. President, in other words, I did not want to make a mistake on that. Mr. President, I think I now have the heart of what I did not understand, and I appreciate the explanation from the gentleman.

If I may comment further, Mr. President. I am really glad that we did discover this part because I did not know that one of the basic things that the amendment does is to restore basic hours to this controlled subject and takes discretion away from the board to allow anything it wants to. I am in favor of

that and I am glad he pointed out that is what his amendment does. On the other hand, however, his noble intent, I would suggest, falls short once again because his amendment still says there is an exception to that and that exception is when there are three stores in certain places, then they can stay open. It clearly in this section takes itself out, so that does not do what he said it did. More problematical than that, Mr. President, is the fact that the gentleman clearly wants to put in a provision that restores the fourteen hour limit, but the language says, "store managers shall determine the hours of operation but shall not be open longer than..." It clearly says that the store managers shall not be open then. That is clearly what it says, and once a court or anybody else discovers that, they are going to say that on such an important provision, we clearly would have been able to speak the English language. What is going to come out is a confused conclusion allowing those men—probably men—to do something in their subjective discretion on a controlled drug, and I do not think that should happen. Mr. President, I again urge the defeat of the amendment because, even though I am strongly in favor of one aspect, that aspect is also fundamentally defective, and I would suspect that we would really be in hot water should we give this to a board to try to figure out and then to a court to try to figure out in view of the fact that we have taken such great efforts to try to rectify these fundamental issues.

LEGISLATIVE LEAVE

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

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

And the question recurring,

Will the Senate agree to the amendment?

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

Senator RHOADES. 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 SHUMAKER and were as follows, viz:

YEAS—10

Corman	Greenwood	Loeper	Salvatore
Fisher	Hopper	Pecora	Shumaker
Greenleaf	Lemmond		

NAYS—39

Afflerbach	Holl	Musto	Stapleton
Andrezski	Jones	O'Pake	Stauffer
Armstrong	Jubelirer	Peterson	Stewart
Bell	Kelley	Regoli	Stout
Bodack	Lewis	Reibman	Tilghman
Brightbill	Lincoln	Rhoades	Wenger
Fumo	Lynch	Rocks	Williams
Hankins	Madigan	Romanelli	Wilt
Helfrick	Mellow	Ross	Zemprelli
Hess	Moore	Shaffer	

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

And the question recurring,

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

RECESS

Senator LOEPER. Mr. President, I would request a recess of the Senate for a very short Republican caucus to take place immediately in the Rules Committee room.

The PRESIDENT pro tempore. Senator Loeper has requested a brief recess for the purpose of a Republican caucus to take place immediately in the Rules Committee room at the rear of the Senate Chamber.

Senator MELLOW. Mr. President, I would just ask the Members of the Democratic caucus—we are not going to caucus—to remain right here on the floor so we may be on hand.

The PRESIDENT pro tempore. Senator Mellow has asked the Democratic caucus to be at hand when the recess of the Republican caucus—which will be brief—comes to an end. 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 agree to the bill on third consideration, as amended?

GREENLEAF-KELLEY AMENDMENT

Senator GREENLEAF, on behalf of himself and Senator KELLEY, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 24, by inserting after "advertising": providing for a private liquor system;

Amend Sec. 4 (Sec. 102), page 18, by inserting between lines 19 and 20:

"Private retail store" shall mean and include any premises licensed by the board where wine and liquor, or only wine, is offered for sale or resale in the original sealed containers as prepared for the market by the manufacturer or wholesale distributor but not for consumption on the premises where sold.

"Private wholesale distributor" shall mean and include any person licensed by the board who purchases wine or liquor from the board, a manufacturer, another private wholesale liquor distributor, or a private retail store for the purpose of sale to any private retail store, to another private wholesale distributor, or for export.

Amend Bill, page 281, by inserting between lines 1 and 2:

Section 139.1. The act is amended by adding an article to read:

Article VIII-A.

Private Retail and Wholesale Sale of Wine and Liquor for Off-premises Consumption

Section 801-A. Legislative Intent.—It is the purpose of this article to deregulate the retail and wholesale sale of liquor and

wine for off-premises consumption in order to provide Pennsylvania consumers with the improved service, enhanced supply availability and lower prices which result from vigorous competition in the free enterprise system. It is the intent of the General Assembly to accomplish deregulation in a manner which minimizes any disruption of service to the public, maximizes opportunities for small business and minority business in Pennsylvania, makes fair and reasonable provisions to avoid hardships to employees of State stores, maintains the degree of control over the distribution of liquor and wine necessary to avoid the infiltration of the industry by organized crime and other corrupt influences, discourages alcohol abuse and preserves adequate tax revenue to the Commonwealth.

Section 802-A. Restrictions on the Private Retail and Wholesale Wine and Liquor System.—The provisions of this act, except as otherwise provided, shall apply to the private retail and wholesale system for the sale of wine and liquor only as provided in this article.

Section 803-A. Detailed Plan for Deregulation.—Within ninety (90) days of the effective date of this section, the board shall cause to be published, in conformity with the requirements of this section, as a notice in the Pennsylvania Bulletin, as provided by 45 Pa.C.S. § 725(a)(3) (relating to additional contents of Pennsylvania Bulletin), a detailed proposed plan for the deregulation of retail and wholesale wine and liquor sales. Hearings shall be conducted concerning the proposed plan, and a final plan shall be adopted and published as a notice in the Pennsylvania Bulletin, as provided by 45 Pa.C.S. § 725(a)(3), within not more than one (1) year from the effective date of this section. The plan shall specify a detailed timetable for the various stages of deregulation, shall specify plans for minimizing any disruption of supplies of wine and liquor to the public, and shall outline detailed procedures for the award of licenses.

Section 804-A. Phase One of Deregulation.—(a) Not later than September 1, 1987, the board shall conduct public sales to the highest responsible bidders of exclusive five (5) year licenses to make retail sales of liquor and wine for off-premises consumption.

(1) The board shall offer for sale a license to replace each of the State stores operating on January 1, 1987.

(2) The board shall offer for sale, together with the license, all of the stock of wine and liquor equipment and other assets of the State store which is replaced by the license. Prior to the sale, the board shall make available for public inspection the most recent inventory of the stock, equipment and other assets of each State store, as well as a recent sales history for each State store. Bids will be accepted only for licenses together with acquisition of the stock, equipment and other assets of the respective State store.

(3) The board may establish a staggered schedule of sales of licenses between May 1, 1987, and September 1, 1987, in order to maintain the operation of certain State stores during the sale of others and thereby maintain a continuous level of service to the public.

(4) Each successful bidder must satisfy all of the licensing requirements of sections 807-A and 808-A and pay any required license fees, in addition to amounts bid to acquire retail operating rights.

(5) Each successful bidder must agree to continuously operate a retail store for the duration of the license and to provide a level of service, including but not limited to, hours of operation and product availability, reasonably equivalent to the level of service provided by the State store which the licensee replaces. The board may either on its own motion or following the investigation of complaints from residents of the affected community by the Liquor Code Enforcement Bureau, revoke the license of any retail store not operating an establishment or not providing a reasonable level of consumer service. Following the revocation of

any license to operate a retail store, the board shall conduct a public sale to grant to the highest responsible bidder a replacement license for the duration of the five (5) year license period.

(6) Each retail store shall be located within a radius of the State store which it replaces based on the characteristics of the community in which the State store is located, based on area definitions as used in the 1980 census of population. If the State store is within an urbanized area the store shall be within a one (1) mile radius. If the State store is outside the urbanized area, but within a Standard Metropolitan Statistical Area (SMSA) the store shall be within a four (4) mile radius. In all other circumstances, the store shall be within a ten (10) mile radius. The board may expand or reduce the required radius for good cause shown following public hearings.

(7) Any single individual, corporation or association shall be allowed to hold no more than ten licenses for private retail wine and liquor stores.

(8) Each successful bidder for a license shall be entitled to apply to the board, within two (2) years of the award of a license, for one additional license to operate a store at any location within the county in which the original license was granted, or in a county contiguous with such county. An additional license shall not be granted, and any additional license granted may be subject to revocation, if the licensee is not operating a store authorized by the original license or is not providing a reasonable level of consumer service.

(9) Any licenses authorized but not issued under clause (8), may, following two (2) years of the awarding of initial licenses, be granted by public sale to the highest responsible bidder.

(10) All proceeds of sales of licenses shall be deposited in the Liquor System Deregulation Account within the General Fund and shall be utilized pursuant to the provisions of section 813-A.

(11) The board shall in its announcement of each sale of licenses, establish the schedule, terms, conditions, limitations and procedures for submission, consideration and award of bids. The decision of the board to accept or reject any bid shall be final and is not appealable as an adjudication.

(b) Between January 1, 1987, and February 28, 1987, the board will accept and review applications for private wholesale wine distributor licenses pursuant to the requirements of sections 807-A and 810-A.

(1) In addition to other licensing requirements, initial applicants must indicate each brand of wine which the distributor intends to sell and estimate the anticipated volume of sales for each brand.

(2) Initial private wholesale wine distributor licenses will be granted by the board beginning March 1, 1987. Each initial licensee shall be assigned by the board an allocation of the remaining stock of any wine owned by the board and held in any wholesale warehouse. Allocations shall be made separately for each brand of wine held by the board and assigned to each initial licensee based on the brands indicated in the license application and upon the estimated sales volume of the licensee. Each licensee shall agree to purchase, prior to making any other purchases of each brand of wine, the outstanding stock of the board of the brand allocated to the licensee, at the cost of the wine to the board plus a twenty-five per centum markup. Between March 1, 1987, and March 1, 1988, no private wholesale licensee may sell or offer for sale any brand of wine not identified in the license application. Any brand of wine in the wholesale inventory of the board which cannot be reasonably allocated to licensees, either because of insufficient stock held by the board, or because of a lack of sufficient interest in such brands by licensees, and any other stocks of wine held by the board in wholesale inventory and not sold by January 1, 1988, may at the discretion of the board either be disposed of at public sale to the highest responsible bidder, or else assigned to all initial wholesale licensees based on their total estimated sales volumes. The initial licensees must

agree to purchase any wine so allocated from the board at the cost of such wine to the board plus a twenty-five per centum markup.

(c) Beginning January 1, 1988, the board will accept and review additional applications for private wholesale wine distributor licenses pursuant to sections 807-A and 810-A. The additional licenses shall be awarded by the board commencing March 1, 1988.

(d) Beginning September 1, 1987, the board shall accept, review and grant private retail wine licenses pursuant to sections 807-A and 809-A.

Section 805-A. Phase Two of Deregulation.—(a) Between January 1, 1989, and February 28, 1989, the board shall accept and review initial private wholesale liquor distributor applications pursuant to sections 807-A and 810-A.

(1) Initial license applicants must specify each brand of liquor the applicant intends to distribute, and for each brand must estimate the anticipated sales volume.

(2) The board shall award initial licenses commencing May 1, 1989.

(3) Each initial licensee shall be assigned by the board an allocation of the remaining stock of any liquor owned by the board and held in any wholesale warehouse. Allocations shall be made separately for each brand of liquor held by the board and assigned to each initial licensee based on the brands indicated in the license application and based upon the cost of the liquor to the board plus a twenty-five per centum markup. Each licensee shall, prior to making any other purchases of each brand of liquor, agree to purchase the outstanding stock of the board of the brands allocated to the licensee. Between May 1, 1989, and May 1, 1990, no private wholesale liquor licensee may sell or offer for sale any brand of liquor not identified in the license application. Any brands of liquor in the wholesale inventory of the board which cannot reasonably be allocated to licensees, either because of inadequate stock held by the board, or because of a lack of sufficient interest in such brands by licensees, and any other stock of liquor held by the board in wholesale inventory and not sold by January 1, 1990, may at the discretion of the board either be disposed of at public sale to the highest responsible bidder, or else assigned to all initial wholesale licensees based on their total estimated sales volumes. The initial licensees must agree to purchase any liquor so allocated at the cost of the liquor to the board plus a twenty-five per centum markup.

(b) Additional applications for private wholesale liquor distributor licenses will be accepted by the board commencing January 1, 1990, and additional licenses may be awarded commencing May 1, 1990, pursuant to section 809-A.

(c) Private wholesale liquor licensees authorized pursuant to this section may sell liquor only to private retail wine and liquor stores located within the same marketing region, as established by the board, in which the premises of the wholesale liquor licensee are located. The board shall not authorize any private wholesale licensee to operate at premises within more than one such marketing region.

Section 806-A. Phase Three of Deregulation.—(a) Commencing August 1, 1990, the board may grant and renew private retail wine and liquor licenses subject to sections 807-A and 808-A, without limitation as to the number of licenses granted, or the geographical locations within which licensees are permitted to operate, except as provided by section 811-A. Private retail wine and liquor licenses shall be granted pursuant to this section to qualified applicants upon the payment of proper fees and the posting of required bonds, but without the requirement to purchase the license by competitive bidding.

(b) Restrictions upon the operation of retail wine and liquor licensees established pursuant to section 804-A(a)(6) and 804-A(a)(7) and wholesale liquor licensees established pursuant to section 805-A(c) shall be rescinded effective August 1, 1992.

Section 807-A. General License Requirements.—(a) Every applicant for a license for a private retail liquor and wine store pursuant to section 808-A, for a private retail wine store pursuant to section 809-A, or for a private wholesale liquor distributorship, or a private wholesale wine distributorship pursuant to section 810-A, shall comply with the requirements of this section.

(b) Each applicant shall file a written application with the board in the form and containing the information as the board shall from time to time prescribe, which shall be accompanied by a filing fee in an amount determined by the board sufficient to cover related costs of reviewing and processing license applications. The board may establish a schedule of fees for various types of licenses and vary the license fee charged based on the volume of sales anticipated.

(c) With each initial application, every applicant shall provide a financial statement in the form and containing the information as the board shall from time to time prescribe to indicate the applicant's financial capability to provide a reasonable level of service to the public or to retail stores and the estimated volume of business to be conducted in this Commonwealth.

(d) With each initial application and each renewal, the applicant shall identify the location and ownership of the proposed site or sites for the operation of licensed activities.

(e) If the applicant is a corporation, the application must show that the corporation was created under the laws of Pennsylvania or holds a certificate of authority to transact business in Pennsylvania.

(f) Each application shall be signed and verified by oath or affirmation by the owner, if a natural person, or, in the case of an association, by a member or partner thereof, or, in the case of a corporation, by an executive officer thereof or any person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of his authority. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers and stockholders thereof.

(g) Every applicant for a new or renewal license must demonstrate that all taxes due and payable to the Commonwealth have been paid for the most recently completed accounting period and that no delinquent tax payments are outstanding for prior periods.

(h) The board shall not grant a license to any applicant if:

(1) the applicant or any person directly or indirectly interested in the license holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any political subdivision of this Commonwealth;

(2) the applicant has been convicted of a felony within the five (5) years immediately preceding the date of application;

(3) the applicant receives funds for the financing of any part of the private retail liquor store from any individual who has been convicted of a felony within the five (5) years immediately preceding the date of application; or

(4) the applicant or any persons with a financial interest in the license are under indictment for a felony or under investigation by a legally constituted grand jury. In such instance, the board shall withhold approval or disapproval of the license until such time as all legal proceedings related to the felony are resolved.

(5) the applicant, or any person with a financial interest in a license granted pursuant to this article, holds a license or permit for the manufacture of liquor, wine, malt or brewed beverages.

(i) The board may require licensees to post bonds in amounts determined by the board pursuant to the provisions of sections 465 and 466.

(j) All applications for licenses shall be thoroughly reviewed by the board, by the Bureau of Liquor Law Enforcement and by appropriate law enforcement agencies before approval or disapproval. Reviews shall include thorough review of the required financial statement and any other information which shall be required by the board. Upon review of the application and upon receipt of the proper fees and bond, and upon being satisfied of the truth of the statements in the application, that the applicant is a person of good repute, that the applicant meets all the requirements of this article and the regulations of the board, and that the issuance of the license is not prohibited by any of the provisions of this article, the board shall grant and issue to the applicant a license.

(k) If any false statement is intentionally made in any part of the application, the affiant shall be deemed guilty of a misdemeanor of the second degree and, upon conviction, shall be subject to the penalties provided by Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses).

(l) Licenses shall be nontransferable and nonassignable from one person to another except upon death of the licensee, in which case the transfer of the license to a member of the immediate family may be provided for by regulation of the board, but the license may be transferred from one location to another only through reapplication to the board.

(m) Licenses shall be revocable by the Bureau of Liquor Law Enforcement for cause.

(n) The board may divide the State into convenient license districts and may hold hearings on applications for licenses and renewals thereof, as it deems necessary, at a convenient place or places in each of said districts, at such times as it shall fix for the purpose of hearing testimony for and against applications for new licenses and renewals thereof.

(o) All licensees shall maintain on any licensed premises such records as the board may prescribe.

(p) The term of any license granted shall be up to five (5) years, as determined by the board. The board may establish a staggered schedule of license expiration and renewal dates to facilitate the efficient processing of license renewal applications.

(q) Licenses granted by this article shall not be subject to the provisions of sections 407, 461, 468, 491(2), 492(19) and (20), and section 493(2) and the provisions of the act of June 24, 1939 (P.L.806, No.358), entitled "An act limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities."

Section 808-A. Private Retail Wine and Liquor Store Licenses.—(a) Subject to the provisions of this article and the regulations promulgated under this article, the board shall have authority to issue a private retail wine and liquor license to a person, corporation or association for any premises for the purpose of establishing, operating and maintaining a private retail wine and liquor store. The licenses shall entitle the private retail wine and liquor store to purchase liquor and wine from private wholesale distributors or from the board and to keep on the premises such liquor and wine and, subject to the provisions of this article and the regulations made thereunder, to sell the same for off-premises consumption, and to any hotel, restaurant, club or other establishment authorized to sell wine and liquor for on-premises consumption pursuant to this act.

(b) Every applicant for a new license or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen (15) days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or at the proposed new location for which the license is applied, a notice of the application, in such form, of such size, and containing such information as the board may require by its regulations. Proof of the posting of the notice shall be filed with the board.

(c) The premises of all private retail wine and liquor stores shall be self-contained units with limited customer access. All purchases made within the limitations of the premises shall be paid for at a location within the confines of the wine and liquor sales area.

(d) Every license application for a private retail wine and liquor store shall contain a description of the premises for which the applicant desires a license and shall set forth such other material, information and description of plan of that premises where it is proposed to keep and sell liquor as may be required by the regulations of the board.

(e) The descriptions, information and plans referred to in this subsection shall show the proposed location at the time the application is made, and shall show any alterations proposed to be made thereto, or the new building proposed to be constructed after the approval by the board of the application for a license or for the transfer of an existing license to another premises not then licensed. No physical alterations, improvements or changes shall be required to be made nor shall any new building for any such purpose, be required to be constructed until approval of the application for license or for the transfer of an existing license to another premises not then licensed by the board.

(f) In the case of any new license or the transfer of any license to a new location, the board may, in its discretion, grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred (300) feet of any church, hospital, charitable institution, school or public playground, or if the new license or transfer is applied for a place which is within two hundred (200) feet of any other premises which is licensed by the board. The board shall refuse any application for a new license or the transfer of any license to a new location if, in the board's opinion, the new license or transfer would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred (500) feet of the place proposed to be licensed.

(g) Private retail wine and liquor stores may sell related merchandise within the controlled area of the store. The board shall promulgate regulations stipulating what additional related merchandise may be offered for retail sale in private retail wine and liquor stores, but no licensee shall engage on the same premises in the retail sale of motor fuel.

(h) No liquor or wine package shall be opened on the premises of a private licensed retail store. No licensee nor any employe of any licensee shall allow any liquor or alcohol to be consumed on the premise, nor shall any person consume any liquor on the premises.

Section 809-A. Private Retail Wine Licenses.—(a) Subject to the provisions of this article and the regulations promulgated under this article, the board shall have the authority to issue a private retail wine license to a person, corporation or association for any premises for the purpose of establishing, operating and maintaining a private retail wine store. The licenses shall entitle the private retail wine store to purchase wine from private licensed distributors or from the board and to keep on the premises such wine, subject to the provisions of this article and the regulations made thereunder, and to sell the same for off-premises consumption, and to any hotel, restaurant, club or other establishment authorized to sell wine for on-premises consumption pursuant to this act.

(b) Private retail wine licenses shall be granted only to applicants also engaged in, or proposing to engage in, the retail sale of groceries with an average monthly inventory of at least one thousand five hundred dollars (\$1,500) in foodstuffs, or to applicants operating, or proposing to operate, specialty wine shops primarily devoted to the retail sale of wine and other incidental merchandise as approved by regulations adopted by the board. A specialty wine shop shall maintain a minimum inventory of one thousand five hundred dollars (\$1,500) in wine. No private retail

wine license shall be granted to any person engaged on the same premises in retail sales of motor fuel or malt or brewed beverages.

(c) Any private retail wine store shall also comply with the requirements of section 808-A, except for subsection (c).

Section 810-A. Private Wholesale Distributor Licenses.—

(a) Subject to the provisions of this article, and the regulations promulgated under this article, the board shall have the authority to issue private liquor wholesale distributor licenses and private wine wholesale distributor licenses.

(b) The license shall entitle the licensee to sell wine or liquor to the board, to any private retail store licensed pursuant to this article, to any hotel, restaurant, club or other establishment authorized to sell wine and liquor for on-premises consumption pursuant to this act, to pharmacists, hospitals, armed forces facilities pursuant to section 305(b), to another wholesale distributor licensed under this section, or to export wine or liquor from this Commonwealth.

(c) The license shall entitle the licensee to purchase wine or liquor from the board, from any Pennsylvania or nonresident manufacturer, from any out-of-state retail store, from any out-of-state wholesaler, from any wholesale distributor licensed under this section, or from any private retail store licensed under this article.

(d) Each licensed wholesaler shall establish one or more warehouses for the storage and distribution of wine or liquor at locations approved by the board. A separate application shall be submitted, and a separate application fee paid, for each warehouse licensed pursuant to this section. All wine or liquor sold to private retail stores licensed pursuant to this article shall be distributed through a warehouse located within this Commonwealth.

(e) No wine or liquor package shall be opened on the premises of a licensed wholesale distributor. No licensee nor employe of any licensee shall allow any wine or liquor to be consumed on the premises, nor shall any person consume any liquor on the premises.

(f) No private wholesale distributor of liquor, or any person with a financial interest in a wholesale license for the distribution of liquor, may hold a private retail store license granted pursuant to this article.

Section 811-A. Local Option.—(a) The governing body of any municipality may, within one (1) year of the effective date of this section, and not more often than once every fourth year thereafter, consider the adoption or rescission, and adopt or rescind an ordinance prohibiting the location of any new private retail store, or the continuation of operations at any existing private retail store beyond the renewal date for such licenses.

(b) The governing body of any municipality may at any time adopt ordinances regulating the hours of operation, prohibiting Sunday sales, or specifying permissible locations for the operation of private retail stores.

(c) Separate ordinances may be adopted for each part of a municipality split so that each part thereof is separated by another municipality.

(d) Separate ordinances may be adopted with respect to private retail wine and liquor stores licensed pursuant to section 808-A and private retail wine stores licensed pursuant to section 809-A.

(e) Private retail store licenses shall not be granted within any municipality which, on the effective date of this article, has prohibited the operation of wholesale distributors of malt or brewed beverages or Pennsylvania liquor stores pursuant to section 472, unless such municipality adopts an ordinance permitting the operation of private retail wine and liquor stores or private retail wine stores, or both, within the municipality, or within a split part of a municipality separated by another municipality. An ordinance permitting licensed activities within either part of a split municipality shall be required, even if operations pursuant to section 472 were prohibited only in one part of such municipality.

(f) Prior to considering the adoption of any ordinance pursuant to this section, the governing body of the municipality shall hold one or more public hearings, and may conduct an advisory referendum.

(g) Any municipality adopting an ordinance pursuant to this section shall file a copy of such regulation with the board at least thirty (30) days prior to the effective date of the ordinance.

(h) Any private retail liquor store operating within a municipality adopting an ordinance prohibiting operations within the municipality may, with the approval of the board, notwithstanding the requirements of section 804-A(a)(6), transfer a licensed premise to any other municipality which has not adopted any such ordinance.

Section 812-A. Prohibited Acts and Offenses.—Except as provided by this article, private retail and wholesale licensed establishments operated pursuant to this article shall be subject to the requirement of sections 492, 493, 494, 509, 510, 518 and 519 and Article VI. No licensee, however, shall be restricted, except as otherwise provided by this article, with respect to the advertising of the price and brand of any liquor or wine, with respect to offering sales, rebates, refunds, discounts or as to establishing the price of any liquor or wine, and with respect to the stocking of merchandise, the presentation of products or the offering of brands for sale.

Section 813-A. Liquor System Deregulation Account.—

(a) All funds collected by the board from the sale of private retail wine and liquor licenses during phase one of deregulation, except for amounts determined by the board as collected from the sale of inventory, equipment and fixed assets of State stores, shall be deposited into a restricted receipt account within the State Store Fund known as the Liquor System Deregulation Account. All other license fees, fines and penalties collected pursuant to this article, and amounts collected from the sale of inventory, equipment and fixed assets of State stores shall be paid into the State Store Fund without restriction. Amounts deposited in the State Store Fund, without restriction, may be utilized to pay the costs of administration, licensing and enforcement by the board and the Liquor Code Enforcement Bureau pursuant to this article, and for any other purpose authorized by law.

(b) All funds in the Liquor System Deregulation Account shall be utilized in the following manner.

(1) The sum of ten million dollars (\$10,000,000) is hereby appropriated to the Department of Commerce for the purpose of guaranteeing loans to the former employees of State stores for the purpose of acquiring licenses pursuant to this section.

(2) All other funds in the account are hereby appropriated to the Department of Education for the purpose of providing grants to public elementary and secondary schools, vocational technical schools, community colleges, State System of Higher Education and State related institutions of higher education; for capital equipment needed for classroom instruction, including, but not limited to, computers, scientific and laboratory equipment, vocational instruction equipment and other equipment needed to promote career opportunities in advanced technology fields.

(3) The appropriations provided in this section shall lapse June 30, 1991.

(c) Upon the approval of the Governor, the State Treasurer is hereby authorized and directed to transfer from the General Fund to the State Store Fund amounts determined by the board to be necessary to finance the costs of deregulation pursuant to this article, provided that all funds transferred during a fiscal year shall be returned to the General Fund not later than 30 days after the end of such fiscal year.

Section 814-A. Taxation.—(a) The tax imposed by the act of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as the "Spirituuous and Vinous Liquor Tax Law," shall be collected, reported and paid by any Pennsylvania manufacturer, or from the first licensed wholesale distributor, of distilled spirits, recti-

fied spirits or wines importing such products produced by nonresident manufacturers into this Commonwealth. All reports shall be filed and labels affixed by the appropriate manufacturer or distributor.

(b) The tax imposed upon wine and liquor by Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," shall be collected, reported and paid by retail stores licensed pursuant to this article, or by the board for sales by State stores.

(c) There is hereby imposed a tax at the rate of seventeen per centum of the net price of all liquors sold by private retail stores or the board. The tax shall be collected by private retail stores or by the board from purchasers of liquor and paid into the State Treasury, through the department in the same manner and at the same times as provided for the sales tax imposed by Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971." This tax shall apply to any alcoholic, spirituous, vinous, fermented or otherwise alcoholic beverage, or by combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain more than one-half of one per centum of alcohol by volume, except alcohol and malt or brewed beverages. The tax may be added to wholesale and retail prices at which liquor is sold and eliminate any accounting of such tax separate from sales prices, and, in such case, the amount of tax for any taxable period shall be ascertained by dividing the entire gross receipts derived from sales by private retail stores or by the board during such taxable period by six and five-ninths (6 5/9), and the quotient thus obtained shall be deemed the amount of the tax for such taxable period payable, under this section.

Section 815-A. Labor Policy.—(a) The Commonwealth shall exercise best efforts to place any employe of the board displaced by deregulation into another suitable position within State government, or to locate another suitable placement in private industry or with local government.

(b) Any individual or group of displaced employes desiring to acquire a private retail wine and liquor license, or a private retail wine-only license, shall be eligible to apply to the Department of Commerce for a loan guarantee of up to seventy per centum of the amount borrowed to purchase a license, and to acquire, stock and equip a retail store. The department shall establish regulations to determine the eligibility of loan guarantee applicants, procedures for filing a loan guarantee application, priorities for the award of loan guarantees, and other rules, procedures and guidelines necessary to administer the loan guarantee program.

On the question,

Will the Senate agree to the amendment?

Senator GREENLEAF. Mr. President, initially I was prepared to give a short speech of thanks to the Senate for not recessing when I rose to offer this amendment. As we have done in the past, unfortunately, the Senate has maintained its record intact. Although at this time I would probably prefer that the Legislature recess for the summer this time rather than remain in Session, but that does not seem to be the case.

The amendment I am offering is a divestiture proposal that would allow private retail stores for liquor and wine and allow private wholesale distributors, and is a plan of deregulation over a five-year period for the allowance of public sales of licenses to sell liquor and wine in the Commonwealth. It would include one license for a State Store and its stock and then later on additional licenses. There is a bidding require-

ment and a limitation of ten individuals per license. There is a commission set up for the review of the acceptance of these applications and a review of the licensees themselves, such as financial statements, taxes being paid, lack of a felony conviction and not involved in law enforcement. There is also a provision in the amendment that would allow for local municipalities to have an option to have a referendum on whether these private stores would be allowed to operate. They would be able to regulate the location and hours of the stores and, of course, also by ordinance prohibit the operation of these stores in their municipalities.

For fifty years the Liquor Control Board has operated the State Store system amid customer complaints, a poor selection, inconvenience and high prices. During those fifty years the LCB has run a monopoly business characterized by mismanagement and high operating costs. Those operating costs are the highest of any such system in the country. During those same fifty years, the LCB is marked by a reputation for lax and uneven enforcement of the liquor laws. From a business standpoint the LCB has compiled a dismal record, as a liquor control system has failed even more miserably. Today we are offering the citizens of the Commonwealth an alternative to this unpopular, unwieldy and unresponsive system. We are not proposing Band-Aid reforms to shore up a crumbling structure. What we are offering is a five-year transition to a private enterprise liquor and wine sales system in Pennsylvania; a state licensed and regulated system that will provide improvements for the buying public and for state revenues; a system that will provide new business and job opportunities; a system that will leave the business of selling liquor and wine to the private sector where it belongs, so that the state can concentrate on its proper role of regulating liquor through licensing and enforcement.

Those of us who have looked carefully at the LCB's record of enforcement, especially runaway and nuisance bars, know that control is not a legitimate defense of the present system. Yet defenders of the status quo cling to the convoluted logic that holds that because the LCB is so unpopular and so ineffective, it should be retained because the qualities of unpopularity and ineffectiveness are safeguards against alcohol abuse. The fact is that the Liquor Code would not be thrown out with the LCB in State Stores under this amendment. Indeed, the enforcement of the code would be pursued single-mindedly once the state is free of the impossible task of regulating a product that it is also promoting. If we now reject a plan to overhaul the liquor system in the Commonwealth, we are only buying time for an ailing bureaucracy that has been digging its own grave by intransigent refusal to reform its merchandising or enforcement practices over the years. Ultimately the Legislature will have to face the fact that the system is not worth saving from a business standpoint or an enforcement standpoint. Why do we not face the fact today, as a majority of citizens have already done, and enact this legislation? I might point out this bill as presently constituted is destined for failure. It does not remove the basic conflict that began fifty years ago when this system was created as an alter-

native to prohibition. On the one hand we tell them that under the prohibition mentality if we hide and hide liquor sales and make it unpopular—and at one time they used to have shades on the front of the State Stores—in some way that prohibition mentality would stop people from abusing alcohol. Well, the fact is, over the years that unfortunately most of the nation has realized, except for Pennsylvania and Utah, that that prohibition approach to the control and regulation of alcohol abuse does not work. We have also over the years added another conflicting goal, and that is we have imposed upon them the duty to raise revenues, and to raise revenues and increase their sales over and over again each year. And each year that those sales go down or if there is a reduction in revenues, there is an outcry from the public and from the Legislature they are not doing their job. What is their job under this legislation, to sell liquor and raise revenues or stop alcohol abuse? My answer to you is that there is no direct aim or objective in this legislation. There will continue to be a schizophrenic system that does not have a direct aim or goal. We here in the Legislature today have an opportunity of a lifetime, the first time in fifty years this Legislature will have an opportunity to reform this system under the Sunset Law and to deal with it and change the merchandising and retailing aspects of the legislation. As I indicated, this is a form of prohibition, and it is time for us to stop treating people, all people in Pennsylvania, as abusers and begin to treat them as adults. It is time for us to enter the twentieth century and get rid of this archaic system, so that Pennsylvania consumers can walk into a liquor store or a wine store and as adults make purchases of their liquor, of their liquor desires, concerns and to deal with those people who abuse the alcoholic laws by effective enforcement of the Liquor Code.

Senator KELLEY. Mr. President, I am very proud to cosponsor this amendment with the gentleman from Montgomery, although the reasons he and I have supported this version have not always been parallel. I look at this very clearly as spirits and wine and malt beverages are considered legitimately to be a drug form. Yet, we, in our society and in Pennsylvania likewise, limit the most serious drug, pharmaceuticals, by licensure. The question then is, what justification is there for the sovereign, the Commonwealth of Pennsylvania, to be involved in the total sale and distribution of alcoholic beverages? We do make a distinction. We do provide for the private sector through licensure for the sale and distribution of malt beverages, a drug and a very popular one, but somehow we continue to maintain the spirits and wine under the absolute control and monopoly of the sovereign. I know of no logic or rationale that supports that contradiction of activities within the system of alcoholic sale and distribution as well as in comparison with the serious drugs, the pharmaceuticals.

Then the question recurs to us, what about free enterprise? We say we believe in free enterprise, all of us, Republicans and Democrats. The government is involved as a service, not as one who is involved in the sale of a product. The only justification for maintaining this system, which is very archaic,

but the only reason to maintain what it is would be the public health and welfare. Statistically, it is not justified, because alcoholism, underage drinking, driving under the influence have no variation in this Commonwealth with straight, absolute control compared with our sister states that are most liberal. Therefore, we are not accomplishing our so-called purpose and rationale of control, restraint of sales. On the other hand, we spend millions of dollars in this Commonwealth trying to induce people to come in in tourism and the convention business and subsidize it by the public credits to build the facilities for these people to come into the Commonwealth where they are supposed to have a friend in Pennsylvania. Right now, today, we say, well, if it is a legal holiday, you cannot go out and buy a bottle of spirits or wine and take it back to your hotel room and relax with your family, which is a very common practice in our society today everywhere. We are working at conflicting ends and purposes with this archaic system. The gentleman from Montgomery in this amendment offers us an opportunity to go into the next century, in fact, just an opportunity to come into the present century in this latter quarter of this century. We must, if we are going to face reality and with reason and logic support changing this system dramatically and not sacrificing one bit, not one bit, of the threat to our society in the form of alcoholism, underage drinking or driving under the influence.

Mr. President, I compliment the gentleman from Montgomery. He and I have been involved in this issue and in this specific aspect for many, many years, and my experience is that the people in society who have reflected upon this proposal and this concept are numerically greater than those who want to maintain the present system. I say, Mr. President, if we are to make not only Pennsylvania move into the present century, but, indeed, if we are to make Sunsetting work, with a significant change and evaluation and an adaption of the laws for the very purpose of Sunsetting to the current circumstances in our society, then we have no choice but to reasonably and logically support this amendment.

Senator WILLIAMS. Mr. President, I rise to strongly oppose this proposal and amendment. I ask the question, what public good does this proposal serve? The argument seems to be to hang their hats on the thought of free enterprise, all those so-called noble thoughts, but what solid public good would be advanced in Pennsylvania? Certainly some money is going to change hands, and even if you assumed that money would come back to the public, or those who were guardians of the public monies, there would not be one additional hospital, there would not be one additional poor person who has a job, there would not be one mechanism that saves money. Nothing would change except some private people, some few that they are, would make more money. I have heard a lot about knocking all the reasons that the control of this drug has, but I have not heard anything cogent or detailed at all as to what good it would serve to change it to private enterprise. This enterprise is not free. Most every time we allow drugs to be passed and money to be had, there is a very severe cost. Of course there is cost in drunken driving. As a

matter of fact, that got so acute that we responded to stiffer mandated laws because of drunken driving. The argument says, well, Pennsylvania is not any different from California. Prove that. Because California may want to kill children, does that mean our policy should be to say it does not make a difference and therefore do the same thing? That does not seem to me to be very affirmative. It seems to me with every drug we have we control it in some way. I am not saying that we do it in the best way, but we certainly need to have some control. We just passed some mandatory drug legislation yesterday in committee that if you pass certain drugs you go to jail automatically. We must have some policy opposed to drugs in this country and, certainly, our successes have not been very great. The drug called liquor, the proposal says leave it go unrestrained, when many people—I do not keep the statistics, but you ought to have the statistics—say in many ways it is even more dangerous, the mere thought of not to control that because of the use of debate and polemics and words and comparisons and analogies. I mean, cigarettes are legal. They have some control. There is no question that it took a long time for us to admit what we knew all along because the industry, the private industry, did not want to admit how dangerous to our health cigarettes are.

Mr. President, it is not very good common sense to say, on the one hand, we do not want people to drink much. As public policy, we support the Mothers Against Drunk Driving. We have mandatory sentences to control drugs over here, and to say that a proposal should go into the free enterprise system, I say no and forever no. If Pennsylvania is the only one, it makes good common sense. In the face of no real persuasive argument for public good, Mr. President, I would say we ought to enthusiastically reaffirm the Pennsylvania policy which says this drug should be meticulously controlled. I urge the defeat of the amendment.

LEGISLATIVE LEAVES CANCELLED

Senator LOEPER. Mr. President, I would note the presence of Senator Wenger and ask that his temporary Capitol leave be cancelled.

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

Senator MELLOW. Mr. President, I would like to also have you note the presence of Senator Afflerbach on the floor and cancel his temporary Capitol leave.

The PRESIDENT pro tempore. The Chair will note the presence of Senator Afflerbach. His temporary Capitol leave is also cancelled.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Helfrick and Senator Armstrong and a legislative leave on behalf of Senator Stauffer who has been called from the floor.

The PRESIDENT pro tempore. Senator Loeper has requested a legislative leave for Senator Stauffer and tempo-

rary Capitol leaves for Senator Helfrick and Senator Armstrong. The Chair sees no objection. Those leaves will be granted.

Senator MELLOW. Mr. President, I would like to request temporary Capitol leaves for Senator Rocks, Senator Ross, Senator Stout and Senator Lincoln.

The PRESIDENT pro tempore. Senator Mellow has requested temporary Capitol leaves for Senator Rocks, Senator Ross, Senator Stout and Senator Lincoln. The Chair hears no objection. Those leaves will be granted.

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

Senator MELLOW. Mr. President, just very briefly, for the past fifteen minutes or so we have heard the dialogue that has been suggested to us for a number of years about privatization of liquor stores. I think it has probably been a lifetime ambition to be able to do it on the floor and to present the issue on behalf of the gentleman from Montgomery, Senator Greenleaf, and the gentleman from Westmoreland, Senator Kelley, and I think today they are going to have the opportunity for that lifetime ambition to get the roll call that they have deserved for so many years and have so strongly wanted. So I think, Mr. President, although we have heard all of the arguments before, I believe the gentleman from Philadelphia, Senator Williams, very appropriately expressed our opinion on it, and I would just like to request a negative vote on the amendment.

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

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

YEAS—10

Fisher	Holl	Loeper	Tilghman
Greenleaf	Hopper	Stauffer	Wilt
Greenwood	Kelley		

NAYS—39

Afflerbach	Hess	Musto	Salvatore
Andrezeski	Jones	O'Pake	Shaffer
Armstrong	Jubelirer	Pecora	Shumaker
Bell	Lemmond	Peterson	Stapleton
Bodack	Lewis	Regoli	Stewart
Brightbill	Lincoln	Reibman	Stout
Corman	Lynch	Rhoades	Wenger
Fumo	Madigan	Rocks	Williams
Hankins	Mellow	Romanelli	Zemprelli
Helfrick	Moore	Ross	

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

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

GREENLEAF AMENDMENT I

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

Amend Title, page 1, line 24, by inserting after "advertising": providing for the private sale of wine;

Amend Bill, page 130, by inserting between lines 20 and 21:

Section 58.2. Article IV of the act is amended by adding a subdivision to read:

ARTICLE IV.

Licenses and Regulations; Liquor, Alcohol and Malt and Brewed Beverages.

* * *

(B.1) Private Wholesale and Retail Sale of Wine.

Section 446. Private Retail Wine Licenses.—(a) Subject to the provisions of this article and the regulations promulgated under this article, the board shall have the authority to issue a private retail wine license to a person, corporation or association for any premises for the purpose of establishing, operating and maintaining a private retail wine store exclusively for the sale of wine, wine coolers and wine-related products. The licenses shall entitle the private retail wine store to purchase wine, wine coolers and wine-related products from private licensed distributors and to keep on the premises such wine, wine coolers and wine-related products subject to the provisions of this act and the regulations made thereunder, and to sell the same for off-premises consumption, and to any hotel, restaurant, club or other establishment authorized to sell wine for on-premises consumption pursuant to this act. The licensees may also sell wine-related food products as determined by the board but no other food or food products.

(b) No person other than a wholesale wine licensee may purchase wine for resale at wholesale in this Commonwealth. No wholesale wine licensee may purchase or acquire any brand of wine except from the owner of the brand or from a person registered with the board under subsection (a) and designated to supply the brand by its owner in a writing filed with the board. The board may, upon written authorization of the registrant of the brand and upon good cause shown, permit a wholesale wine licensee to acquire the brand from someone other than the owner or owner's designee.

(c) An agreement between a registrant and a wholesale wine licensee shall be in writing.

(d) Registrants and wholesale wine licensees shall maintain records of all sales, shipments and deliveries, including invoices, records, receipts, bills of lading and other pertinent papers required by the board. Records shall be preserved for at least two (2) years. The board may inspect the books, accounts and records of a licensee and examine, under oath, an officer, agent or employe of a licensee or a person engaged in the business of selling, shipping or delivering wine to a wholesale wine licensee. The board may require the production of books, accounts, papers and records at a time and place within this Commonwealth designated by the board in order that an examination may be made by the board.

(e) No wholesale wine licensee may sell or deliver any brand of wine purchased or acquired from a source other than a registrant which has granted the wholesale wine licensee the right to sell the brand at wholesale, and no retail wine licensee may sell or deliver wine purchased or acquired from a source other than a wholesale wine licensee.

(f) An applicant for a private retail wine license or a wholesale wine license or for the transfer of an existing license to other premises shall file a written application with the board in such form and containing such information as the board shall prescribe by regulation. The application shall be accompanied by a filing fee in an amount determined by the board, by regulation, sufficient to cover related costs; the prescribed license fee; the bond specified in section 452, if the application is for a wholesale wine license; and, in the case of an application for a private retail wine license, financial statements or other documents as the board may require to demonstrate that the applicant is financially fit, or that the applicant is a hotel, restaurant or club.

(g) With the initial application and each application for renewal, an applicant shall provide a financial statement or other documents in the form and containing such information as the board shall prescribe by regulation to indicate the applicant's financial capability.

(h) With each initial application and each renewal, the applicant shall identify the location and ownership of the proposed site for the private retail wine license or wholesale wine license as proof that the place of business conforms to applicable health and fire statutes and regulations.

(i) If the applicant is a natural person, the application shall show that the applicant is a citizen of the United States and a resident of this Commonwealth and is not less than twenty-one (21) years of age.

(j) If the applicant is a corporation, the application shall show that the corporation was created under the laws of this Commonwealth or holds a certificate of authority to transact business in this Commonwealth.

(k) The application shall be signed and verified by oath or affirmation by the owner in the case of a natural person, by a member or partner in the case of an association or by an executive officer or person specifically authorized in the case of a corporation. If the applicant is an association, including a fraternal organization or club, the application shall set forth the names and addresses of all directors of the association, organization or club and the names and addresses of the principal officers.

(l) False statements intentionally made in the application shall be deemed sufficient reason for denial of the license.

Section 447. Review and Approval of Applications for Private Retail Wine Licenses and Wholesale Wine Licenses.—

(a) Applications for licenses shall be thoroughly reviewed by the board before approval or disapproval.

(b) The board may decline to grant a license to an applicant who has been convicted of a felony within five (5) years immediately preceding the date of the application.

(c) The board may decline to grant a license to an institutional applicant which has more than ten per centum of its beneficial ownership owned by any individual who has been convicted of a felony within five (5) years immediately preceding the date of application.

(d) In an instance in which a license applicant or persons with more than ten per centum beneficial ownership in the license applicant are under indictment for a felony or under investigation by a legally constituted grand jury, the board may withhold approval or disapproval of the license until legal proceedings relating to the felony are resolved.

(e) The board shall issue a license to the applicant upon review of the application; receipt of the proper fees and bond; and being satisfied of the truth of the statements in the application that the applicant is a person of good repute, that the premises applied for meet all the requirements of the law, and that the issuance of the license is not prohibited by this act.

(f) For purposes of this section the word "felony" shall mean a criminal offense which has been designated a felony under Federal law, 18 Pa.C.S. (relating to crimes and offenses) or the state law of the jurisdiction where the person or dealer was convicted and which has been committed in relation to business activities and dealings which the board has authority to regulate under this act.

Section 448. Private Wine Wholesale Distributor Licenses.—(a) Subject to the provisions of this article, and the regulations promulgated under this article, the board shall have the authority to issue private wine wholesale distributor licenses.

(b) The license shall entitle the licensee to sell wine to the board, to any private retail store licensed pursuant to this article, to any hotel, restaurant, club or other establishment authorized to sell wine for on-premises consumption pursuant to this act, to another wholesale distributor licensed under this section, or to export wine from this Commonwealth.

(c) The license shall entitle the licensee to purchase wine from the board, from any Pennsylvania or nonresident manufacturer, from any out-of-State retail store, from any out-of-State wholesaler, from any wholesale distributor licensed under this section, or from any private retail store licensed under this article.

(d) Each licensed wholesaler shall establish one or more warehouses for the storage and distribution of wine at locations approved by the board. A separate application shall be submitted, and a separate application fee paid, for each warehouse licensed pursuant to this section. All wine sold to private retail stores licensed pursuant to this article shall be distributed through a warehouse located within this Commonwealth.

(e) No wine package shall be opened on the premises of a licensed wholesale distributor. No licensee nor employe of any licensee shall allow any wine to be consumed on the premises, nor shall any person consume any wine on the premises.

Section 449. Physical Limitations.—(a) In the case of any new license or the transfer of a license to a new location, the board may, in its discretion, grant or refuse the new license or transfer if the place proposed to be licensed is within three hundred feet of a church, hospital, charitable institution, school or public playground.

(b) The board shall refuse an application for a new license or the transfer of a license to a new location if the board has determined, pursuant to grounds specified in a regulation, that the new license or transfer would be detrimental to the welfare, health, peace or morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed.

Section 450. License Fees.—In the case of a private retail wine license, the annual fee for each license shall be two hundred fifty dollars (\$250). In the case of a wholesale wine license, the annual fee for each license shall be five thousand dollars (\$5,000). The board, through regulation, may levy additional fees in a manner to ensure that license revenues are sufficient that costs of the board for the enforcement and licensing, including advertising by the board, are reimbursed. Fees received shall be deposited in the General Fund.

Section 451. Notice of Change in Board Regulations and Statement of Policy.—The board may not promulgate a regulation nor issue a statement of policy applicable to wholesale wine licenses or private retail wine licenses without a public hearing, notice of which shall be published in the Pennsylvania Bulletin at least thirty (30) days prior to the date of the hearing. This section shall apply even if notice of proposed rulemaking is omitted under section 204 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

Section 452. Bond.—The penal sum of the bond filed by an applicant for a wholesale wine license shall be ten thousand dollars (\$10,000). The bond shall be promptly returned to the applicant if the board refuses to grant and issue a wholesale wine license.

Section 453. Credit on Sales of Wine.—A wholesale licensee may extend credit to a private retail wine licensee on the sale and purchase of wine for a period not to exceed thirty (30) days from date of delivery. There shall be no credit restrictions on sales of wine by registrants to wholesale wine licensees. No right of action shall exist to collect indebtedness based on an extension of credit contrary to the provisions of this section.

Section 454. Maintenance of Records.—Private retail wine licensees and wholesale wine licensees shall keep on the licensed premises, for a period of at least two (2) years, complete records covering the operation of the licensed business, particularly showing the date of purchases of wine, the actual price paid, the name of the vendor and State store receipts. It shall be unlawful for any private retail wine licensee or wholesale wine licensee, or its servants, agents or employes, to refuse the board or an authorized employe of the board access to the records or the opportu-

nity to make copies of the records when the request is made during business hours.

Section 455. Displaying Price of Wine.—It shall be unlawful for a private retail licensee to display on the outside of its licensed premises, or to display any place within its licensed premises where it can be seen from the outside, an advertisement referring, directly or indirectly, to the price at which the licensee will sell wine and wine coolers: Provided, however, That a registrant, wholesale wine licensee or private retail wine licensee shall have the right to advertise the price and brand of wine by means of recognized advertising media, including, but not limited to, newspapers, magazines, shopping guides, radio, television, fliers and handbills. In advertising the price of wine, the advertiser may, if it is not misleading, include in connection with the price words or phrases such as "special," "introductory," "sale" or "as-is-sale" or their abbreviations.

Section 456. Outside Advertisements.—It shall be unlawful for a private retail wine licensee to display, on the outside of its licensed premises, on a lot of ground on which the licensed premises are situate, or on a building of which the licensed premises are a part, a sign advertising a brand of wine.

Section 457. Private Inside Advertisements.—Private retail wine licensees shall be permitted to use product displays, inside signs, retailer advertising specialties, consumer advertising specialties and wine lists to the extent permitted by applicable regulations of the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department. This advertising material may be furnished without charge by the manufacturer, registrant or wholesale wine licensee.

Section 458. Stocking, Rotation and Pricing Service.—Registrants and wholesale wine licensees may stock, rotate and affix the price to wine they sell at the premises of a private retail wine licensee if wines purchased from other wholesale wine licensees are not altered or disturbed.

Section 459. Local Option.—(a) The governing body of any municipality may, within one (1) year of the effective date of this section, and not more often than once every fourth year thereafter, consider the adoption or rescission, and adopt or rescind an ordinance prohibiting the location of any new private retail wine store, or the continuation of operations at any existing private retail store beyond the renewal date for such licenses or the electorate may decide the issue in accordance with section 472.

(b) The governing body of any municipality may at any time adopt ordinances regulating the hours of operation, prohibiting Sunday sales, or specifying permissible locations for the operation of private retail wine stores.

(c) Separate ordinances may be adopted for each part of a municipality split so that each part thereof is separated by another municipality.

(d) Separate ordinances may be adopted with respect to private retail wine stores licensed pursuant to section 446.

(e) Private retail wine store licenses shall not be granted within any municipality which, on the effective date of this article, has prohibited the operation of wholesale distributors of malt or brewed beverages or Pennsylvania liquor stores pursuant to section 472, unless such municipality adopts an ordinance permitting the operation of private retail wine stores within the municipality, or within a split part of a municipality separated by another municipality. An ordinance permitting licensed activities within either part of a split municipality shall be required, even if operations pursuant to section 472 were prohibited only in one part of such municipality.

(f) Prior to considering the adoption of any ordinance pursuant to this section, the governing body of the municipality shall hold one or more public hearings. Any ordinance passed under this section may be overridden by a municipal referendum conducted in accordance with the procedures set forth in section 472.

(g) Any municipality adopting an ordinance pursuant to this section shall file a copy of such regulation with the board at least thirty (30) days prior to the effective date of the ordinance.

(h) Any private retail liquor store operating within a municipality adopting an ordinance prohibiting operations within the municipality may, with the approval of the board, transfer a licensed premise to any other municipality which has not adopted any such ordinance.

Section 460. Prohibited Acts and Offenses.—(a) Except as provided by this article, private retail and wholesale licensed establishments operated pursuant to this article shall not be subject to the requirement of sections 407, 411, 461, 468 and 491(2), (7) and (11). No licensee shall be restricted, except as otherwise provided by this article, with respect to the advertising of the price and brand of any wine, with respect to offering sales, rebates, refunds, discounts or as to establishing the price of any wine, and with respect to the stocking of merchandise, the presentation of products or the offering of brands for sale.

(b) A retail wine store license shall be revoked by the board for cause, including for any single sale to a minor.

Section 460.1. Taxation.—(a) The tax imposed by the act of December 5, 1933 (Sp.Sess., P.L.38, No.6), known as the "Spirituous and Vinous Liquor Tax Law," shall be collected, reported and paid by any Pennsylvania manufacturer, or from the first licensed wholesale distributor of wines importing such products produced by nonresident manufacturers into this Commonwealth. All reports shall be filed and labels affixed by the appropriate manufacturer or distributor.

(b) The tax imposed upon wine and liquor by Article II of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," shall be collected, reported and paid by retail wine stores licensed pursuant to this article, or by the board for sales by State stores.

(c) There is imposed a tax of seventy cents (\$.70) per wine gallon on all wine sold by a Pennsylvania manufacturer, by the first wholesale wine licensee importing such wine purchased from a nonresident registrant into this Commonwealth or by the board. The tax shall be collected by such manufacturer or wholesale wine licensee or the board on its first sale of such wine at wholesale or retail in this Commonwealth.

Section 460.2. Persons Selling or Shipping Wine to Wholesale Wine Licensees.—(a) No person may offer for sale or sell wine for resale at wholesale in this Commonwealth, or offer wine for shipment into this Commonwealth, except to a wholesale wine licensee. Every person who is engaged in or desires to engage in the sale or shipment of wine to a wholesale wine licensee for resale at wholesale under this article shall, prior to engaging in the activities, register the brand of wine with the board. As part of registration, the registrant shall include the name of each wholesale wine licensee, to whom the registrant is granting the right to sell at wholesale, each brand of wine being registered, the geographical area for which the right is granted to each wholesale wine licensee and the period of time for which the right is being granted to each wholesale wine licensee. The registrant may grant the right to sell at wholesale a brand of wine in a geographical area to more than one wholesale wine licensee. The registrant may add to, revoke or amend its registration. Only a wholesale wine licensee registered by a registrant as having the right to do so may sell a brand of wine at wholesale in this Commonwealth, and the sale may be made only in the geographical area set forth in an effective registration. No wine may be imported into this Commonwealth or purchased by a wholesale or retail licensee unless it is registered with the board pursuant to this subsection at the time of importation or purchase.

(b) Before the sixteenth day of each month, the registrant shall submit notarized written reports to the board showing all sales, shipments and deliveries of wine made during the preceding month. The report shall state the identity of each wholesale wine

licensee and the quantity, label and alcoholic content of each brand of wine sold, shipped and delivered and shall be in the form and contain such other information as the board may require by regulation.

Section 460.3. Notice of Change in Board Regulations and Statement of Policy.—The board may not promulgate a regulation nor issue a statement of policy applicable to wholesale wine licenses or private retail wine licenses without a public hearing, notice of which shall be published in the Pennsylvania Bulletin at least thirty (30) days prior to the date of the hearing.

Amend Sec. 95 (Sec. 505.2), page 204, line 7, by inserting after “purchased”: or consigned

Amend Sec. 95 (Sec. 505.2), page 204, line 7, by inserting after “bond”: or in sealed case lots

Amend Sec. 95 (Sec. 505.2), page 204, line 7, by inserting brackets before and after “another” and inserting immediately thereafter: one or more

Amend Sec. 95 (Sec. 505.2), page 204, line 8, by inserting brackets before and after “winery” and inserting immediately thereafter: wineries or from a private wine wholesaler or retailer

Amend Sec. 95 (Sec. 505.2), page 204, line 19, by inserting after “winery”: , or purchased or consigned as provided in clause (2).

On the question,

Will the Senate agree to the amendment?

Senator GREENLEAF. Mr. President, this amendment would allow private wine stores. It would maintain the State Store system but allow the private retail sale of wine in private wine stores. There would be no food or any other products such as that sold along with it. It also provides for a private wholesaling system and, also, there is an additional local option requirement as well as allowing the municipality to prohibit wine stores by ordinance, and again they regulate hours, sales and locations by ordinance. Current dry municipalities will remain dry unless a referendum or ordinance determines otherwise. This amendment, unlike the previous one, would work in conjunction with the present State Stores, and if we are not going to get rid of those State Stores, then the most common complaint that you hear about the stores from consumers is relative to wines and the selection of wines and prices, and this would allow private industry to compete with the stores to bring into those stores those items that the consumer wants and desires. I would offer that amendment. I will not repeat what I have said previously, it is a matter of record, but I would state that the question was asked, what public good would it do to get rid of or modify the system? Actually, the question is, what public good does this system serve now? Under the Sunset Law the burden of proof is on that system to establish that it has not outlived its usefulness, and after fifty years of being burdened by this system, certainly it is about time that we got rid of it. There has been no statistical information that would indicate that the way you retail either liquor or wine has an impact on alcohol abuse. If that was so, then why did we have to pass stringent drunk driving laws in Pennsylvania as they did in other states that do not have this system? If this system was working, then why do we have to pass and deal with underage drinking problems in Pennsylvania when other states do not have a system such as ours and have the same problems? In fact, there have been

statistics on both sides, and the statistics that I have accumulated would indicate there is no significant statistical difference between alcohol abuse in Pennsylvania and in other states such as drunk driving, underage drinking and other abuses and problems related to alcohol abuse.

There was a question raised in regard to mandatory drug sentencing. Well, that is how we should deal with abusive drugs and alcohol, to pass tough laws that deal with the abusers. As I have said before, this system creates and treats everybody as an abuser. The legislation that we will be considering—and we did consider it in the Committee on Judiciary recently—does not recommend that we have public State Stores to sell all drugs. I do not hear anyone calling for that. I do not hear anyone calling for public stores and State Stores run by the Commonwealth to sell cigarettes. The fact is we recognize that would not be practical, and the fact is that what we have is a system here in which we created a monster and the monster we cannot get rid of. It is a system we created fifty years ago. It has its own following, its own support and has nothing to do with the public good. It has to do with itself and its own self-preservation. This would be a modest step, I believe, a step that would at least zero in on the most common complaint that consumers have in Pennsylvania in regard to the sale practices of the State Stores and that is the selection, sale and purchase of wine.

Senator BELL. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Greenleaf.

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

Senator GREENLEAF. I will, Mr. President.

Senator BELL. Mr. President, I just received on the desk this amendment, and I may not be too smart to ask these questions but I have not had a chance to study this. It is amendment A-1846. Mr. President, can I be informed as to how many of these licenses would be available for the State of Pennsylvania?

Senator GREENLEAF. Mr. President, there is no limit in this amendment. It would be up to the discretion of the board to decide how many licenses would be issued.

Senator BELL. Mr. President, I note on page 5, Section 459 (b), where it says “The governing body of any municipality may at any time adopt ordinances regulating the hours of operation, prohibiting Sunday sales....” Does this indicate, Mr. President, that unless a municipality prohibits Sunday sales, these wine shops can be open on Sunday?

Senator GREENLEAF. Yes, Mr. President.

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

I would like to make a brief statement. Mr. President, I live one inch from the City of Chester. The Chester boundary is my property line, and if my Borough of Upland does not want Sunday sales, I am fearful if the City of Chester wanted Sunday sales, they could sell wine on Sunday right up to my property line. Also, I am very critical of unlimited numbers of wine stores. We have quota systems to sell beer, but we are going to have wine sales everywhere. I was contacted during

the proceedings of last year by a number of clergymen, and specifically a group of clergymen from the City of Chester from the ghetto, and they said they have enough taprooms down there and they did not want private booze stores down there to go into the ghetto. What this is going to do is permit a wine store on every corner, and I am sure that my constituents, the clergymen from Chester, would not approve of this. Likewise, the Fraternal Order of Police contacted me and they told me how the teenagers who shoplift everywhere would really congregate in private booze stores, and I would suggest that teenagers like wine as well as booze.

Senator GREENLEAF. Just one comment, Mr. President, and that is that I have a copy of the Voice of MADD, the Tri-County Chapter, the February 1987 edition, located in Enola, Pennsylvania, and on the front page it says, "You may feel that there has already been a crackdown on drunk driving in Pennsylvania, but the state had the fourth highest number of alcohol-related traffic fatalities in the nation in 1985." So, the system is not doing its job. Let us get rid of it.

LEGISLATIVE LEAVES

Senator LOEPER. Before we consider the amendment, Mr. President, I request an additional leave of absence on behalf of Senator Shaffer.

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

Senator MELLOW. Mr. President, I would also like to request a temporary Capitol leave for Senator Jones.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leave for Senator Jones. The Chair hears no objection. That leave will be granted.

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

Senator MELLOW. Mr. President, not to prolong the proceedings, I would just like to once again request a negative vote on the amendment. This is something we have had a great deal of discussion upon over the years and I think we all know what the issue is. I would request a negative vote on it.

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

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

YEAS—9

Fisher	Hopper	Lewis	Stauffer
Greenleaf	Kelley	Loeper	Tilghman
Greenwood			

NAYS—40

Afflerbach	Hess	Musto	Salvatore
Andrezeski	Holl	O'Pake	Shaffer
Armstrong	Jones	Pecora	Shumaker
Bell	Jubelirer	Peterson	Stapleton
Bodack	Lemmond	Regoli	Stewart
Brightbill	Lincoln	Reibman	Stout
Corman	Lynch	Rhoades	Wenger
Fumo	Madigan	Rocks	Williams
Hankins	Mellow	Romanelli	Wilt
Helfrick	Moore	Ross	Zemprelli

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

And the question recurring,

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

GREENLEAF AMENDMENT II

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

Amend Title, page 1, line 19, by striking out "commission" and inserting: board

Amend Sec. 44 (Sec. 431), page 97, line 16, by inserting after "Beverages": , Wine and Wine Coolers

Amend Sec. 44 (Sec. 431), page 97, line 22, by inserting brackets before and after "or" and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 97, line 22, by inserting after "beverages," : wine or wine coolers,

Amend Sec. 44 (Sec. 431), page 97, line 23, by inserting brackets before and after "or" where it appears the first time and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 97, line 23, by inserting after "beverages": , wine or wine coolers

Amend Sec. 44 (Sec. 431), page 98, line 11, by inserting brackets before and after "or" and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 98, line 12, by inserting after "beverages" where it appears the first time: , wine or wine coolers

Amend Sec. 44 (Sec. 431), page 98, line 12, by inserting brackets before and after "or" and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 98, line 12, by inserting after "beverages" where it appears the second time: wine or wine coolers

Amend Sec. 44 (Sec. 431), page 98, line 13, by inserting brackets before and after "or" and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 98, line 14, by inserting after "beverages," where it appears the first time: wine or wine coolers,

Amend Sec. 44 (Sec. 431), page 98, line 14, by inserting brackets before and after "or" and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 98, line 14, by inserting after "beverages" where it appears the second time: , wine or wine coolers

Amend Sec. 44 (Sec. 431), page 100, line 20, by inserting brackets before and after "or" where it appears the second time and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 100, line 20, by inserting after "beverages": , wine or wine coolers

Amend Sec. 44 (Sec. 431), page 100, line 29, by inserting brackets before and after "or" and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 100, line 29, by inserting after "beverages": , wine or wine coolers

Amend Sec. 44 (Sec. 431), page 104, line 24, by inserting brackets before and after "or" and inserting immediately thereafter an underscored comma

Amend Sec. 44 (Sec. 431), page 104, line 24, by inserting after "beverages": , wine or wine coolers

On the question,

Will the Senate agree to the amendment?

Senator GREENLEAF. Mr. President, this is a very short amendment and merely allows beer distributors to sell wine and wine coolers at their premises. If we are not going to take the other steps presented, then certainly the most modest step we can take in reform of the retail sales of liquor in Pennsylvania and to give the consumers some benefit would be to allow the present licensees—that is the present beer distributors—that now sell beer to allow them to sell wine and wine coolers. If they are competent to sell beer, it would seem to me that they are also competent to sell wine and wine coolers.

Senator MELLOW. Mr. President, once again, this is an amendment that has had much discussion and much debate not only in committee meetings but also in other discussions that have taken place and, once again, we know what the arguments are both for it and against it. The only new revelation here is to not only have wine coolers to be sold by distributors, but we have also now added the additional item of having wine being sold by distributors. I would ask for a negative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—8

Fisher	Greenwood	Loeper	Tilghman
Greenleaf	Kelley	Stauffer	Wilt

NAYS—41

Afflerbach	Holl	Moore	Ross
Andrezeski	Hopper	Musto	Salvatore
Armstrong	Jones	O'Pake	Shaffer
Bell	Jubelirer	Pecora	Shumaker
Bodack	Lemmond	Peterson	Stapleton
Brightbill	Lewis	Regoli	Stewart
Corman	Lincoln	Reibman	Stout
Fumo	Lynch	Rhoades	Wenger
Hankins	Madigan	Rocks	Williams
Helfrick	Mellow	Romanelli	Zemprelli
Hess			

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

And the question recurring,

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

GREENLEAF AMENDMENT III

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

Amend Sec. 79 (Sec. 491), page 167, line 1, by inserting after "except": for personal use and except

On the question,

Will the Senate agree to the amendment?

Senator GREENLEAF. Mr. President, this amendment would allow individuals to travel out of state to the adjoining states and purchase alcoholic beverages for personal use—not

liquor licensees but for personal use—and to bring it back into the state. If the opponents of the legislation for years have indicated there really are not an awful lot of people going out of state to make those purchases—I personally feel there are—and if we are not going to reform the system, then, at least, let us give the consumers an opportunity to go out of state and make their purchases without being subject to criminal prosecution and having our LCB agents playing cat and mouse with our consumers and our citizens, trying to catch them going across the state lines when they go across with motor homes, funeral hearses and all kinds of vehicles and bring back alcoholic beverages which they can purchase at a consumer-related store.

Senator FUMO. Mr. President, I rise in opposition to the amendment. I think what the Senator is saying to Pennsylvanians is that it is not okay to cheat on your income tax, that is a crime; it is not okay to cheat on cigarette tax and smuggle cigarettes, that is a crime; but, it is okay to cheat the Department of Revenue out of the taxes on liquor because some people want to do that. When we talk about citizens smuggling liquor across state lines, they are either tax dodgers or criminals. To give the message to this Commonwealth that it is okay to do that gives the subliminal message that maybe it is okay for me to start bringing in cigarettes, maybe it is okay for me to start not paying my income tax, maybe it is okay for me to start cheating on my sales tax if I am a retail distributor. I cannot believe the gentleman has this kind of philosophy in mind, yet I see it in front of me. I think this amendment is obnoxious. It has nothing to do with the merits of whether or not we should divest ourselves of liquor stores. This deals with allowing criminals to practice in Pennsylvania, probably in a laudatory fashion. I do not think we should be doing this or anything else like it. To do this would cost us a lot of money. I did not comment earlier on the gentleman's remarks about how horrible the LCB is being run, but it does produce a profit to the taxpayers of this Commonwealth, probably in the neighborhood of \$30 million a year. If he wants to give the citizens of Pennsylvania a tax cut, let him find another way to do it, but let us not start to foster smuggling in the night by saying it is no longer a criminal offense.

Senator BELL. Mr. President, I am surprised at that speech by the gentleman from Philadelphia, Senator Fumo, that if somebody went to New Jersey and bought something that is subject to sales tax or use tax in Pennsylvania that that person is a smuggler, a cheat and a criminal. I know he would not have any people like that in his district. I just wonder if the gentleman ever bought something in New Jersey at the seashore that he brought back into Pennsylvania and did not pay a use tax on it. I am not going to interrogate him because I do not want to embarrass him. But, to be specific, our liquor laws are so screwed up that an enforcement agent cannot arrest a person he observes selling dope in a taproom. They cannot arrest a prostitute that is operating in a taproom, but they can lay in the bushes outside of a booze store down in Delaware and pick up a little old lady who bought a gallon of wine and two quarts of booze, stop her, after she comes into

Pennsylvania, without a warrant and search her car without a search warrant. It just happens that in this case I am referring to, the lady went down to meet some relatives coming from the Carolinas who were coming up for a funeral and passed a Delaware booze store and thought it would be nice to have a little wine and a couple bottles of hard stuff for the funeral dinner. I can document that. Yet these same two agents who stayed outside that Delaware store were not out checking what was going on in our taverns. Again, I say it is outrageous when somebody can search without a search warrant, arrest without a warrant somebody who brings a bottle of booze into Pennsylvania, but cannot arrest a person peddling drugs in a taproom. All this is, is collecting taxes. I do not think we should be collecting taxes out there with criminal procedures. I will tell you that I have people in my district who do buy in other states. They not only buy booze, they buy cigarettes, they also buy hardware and other taxables in the State of Delaware. We have a big outfit called Tri-State Mall where there are thousands of people from my district and the district of the gentleman from Philadelphia, Senator Fumo, who go down there because they can buy that stuff without a sales tax.

Senator FUMO. Mr. President, just in response, I would hope the gentleman would speak for his own district and not mine. I am not going to stand here and accuse my constituents of being tax dodgers and criminals. It is interesting to watch his new liberal tone. It is the same gentleman who consistently, when we talk about other criminal provisions, basically says people are guilty until proven innocent. He gets upset when we have so many liberal laws about criminals, as he calls them, the minute they are arrested. Maybe what the gentleman really wants to do is expand the police power of the liquor control agents so they can arrest the prostitutes. I do not know who that lady was who brought the gallon of liquor in here. Maybe she was a prostitute. Maybe they killed two birds with one stone. I do not know that.

The one thing I am saying, Mr. President, is it is either a law or it is not, and it is unfair to those taxpayers and those citizens of Pennsylvania who do not have the so-called luxury of living close to the border so they can go over and commit these crimes. What about the people in central Pennsylvania who have to pay for their liquor at the liquor store, who have to buy their cigarettes at the regular store and pay their sales tax? Are we saying they should be discriminated against just because they live in a geographical area where it is not convenient to be a smuggler? That is absurd, Mr. President. If the law is wrong, then you do away with the taxes on all of it, but as long as the law is the law, we should at least try to apply it consistently across the board and not open up some little escape hatch for some affluent yuppies who want to go and save a little bit of money on fine wine.

LEGISLATIVE LEAVE CANCELLED

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

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

Senator GREENWOOD. Mr. President, it seems to me that the gentleman from Philadelphia totally misunderstands the intent of this amendment. The problem is that the gentleman from Montgomery, Senator Greenleaf, is not attempting to make special provisions for smugglers, what he is trying to suggest is that those people who happen to live in some of the border areas of the state—my district is parallel and bordered entirely on the east by the Delaware River—do not want to feel like cheaters and do not want to feel like smugglers when they are doing something that is very mundane. It happens to be the case that in my neck of the woods and in my district for many of my constituents, the trip to New Jersey is five minutes or ten minutes and that is where they do their grocery shopping. That is where they get their cars repaired. That is where they buy their liquor. The trip to the State Store is a forty-five minute trip, if you can get there, and if the State Store is open when you get there and if you can find what you want when you get there, so it is strictly a matter of convenience. What this amendment says is that we should not treat those people as criminals, we should not treat them as cheats, because that is not their intent. I would ask for an affirmative vote on this amendment.

Senator WILLIAMS. Mr. President, I did not want to prolong the debate here, except I support the amendment and I wanted it to be clear that I do not support smuggling. I, too, suggest that maybe the interpretation of the gentleman from Philadelphia, Senator Fumo, is somewhat askew. I just want it to be clear I think it is a straight-up, simple, productive amendment, and I am very happy to vote for a piece of legislation that after all these months or years I am happy to support. I think it makes sense. I think it tends to try to make some people honest rather than criminals. I gladly support and urge support for the amendment.

LEGISLATIVE LEAVE

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

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

LEGISLATIVE LEAVE CANCELLED

Senator MELLOW. Mr. President, first, I would like you to recognize the fact that Senator Stout has returned to the floor and cancel his temporary Capitol leave.

The PRESIDENT pro tempore. The Chair is pleased to note the presence on the floor of the gentleman from Washington, Senator Stout, and his leave will, indeed, be cancelled.

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

Senator MELLOW. Mr. President, just a very brief statement, that this particular amendment was considered in the Committee on Law and Justice, the decriminalization of the

importation of alcohol. It was defeated by a vote of 10-1, and I would request a negative vote on the floor.

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

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

YEAS—8

Bell	Greenleaf	Holl	Tilghman
Brightbill	Greenwood	Lewis	Williams

NAYS—41

Afflerbach	Jones	Musto	Salvatore
Andrezeski	Jubelirer	O'Pake	Shaffer
Armstrong	Kelley	Pecora	Shumaker
Bodack	Lemmond	Peterson	Stapleton
Corman	Lincoln	Regoli	Stauffer
Fisher	Loeper	Reibman	Stewart
Fumo	Lynch	Rhoades	Stout
Hankins	Madigan	Rocks	Wenger
Helfrick	Mellow	Romanelli	Wilt
Hess	Moore	Ross	Zemprelli
Hopper			

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

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

GREENLEAF AMENDMENT IV

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

Amend Sec. 143, page 282, line 25, by striking out "1992" and inserting: 1989

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

Senator GREENLEAF. Mr. President, this amendment merely changes the Sunset date from 1992 to 1989, namely, from a five-year review to a two-year review.

Senator MELLOW. Mr. President, once again, this was an amendment that was discussed in committee and was soundly defeated in committee. It basically serves no useful purpose to reduce the time of Sunset from five years to two years, except to have us go through this again within a year's period of time at the expenditure of a tremendous amount of money without having the opportunity of making sure that what we are putting in place, hopefully by June 30th, will have been given the proper time to work. It appears, Mr. President, that a five-year Sunset would be appropriate, that if it is not working in a five-year period of time it probably will not work and the General Assembly will have to address it again. However, it also appears that the same rationale, a two-year Sunset, is inappropriate because it does not give us a sufficient amount of time to see if the proposal will work. I would ask for a negative vote.

And the question recurring,

Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:)
Senator BELL. 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 GREENLEAF and were as follows, viz:

YEAS—9

Fisher	Holl	Kelley	Stauffer
Greenleaf	Hopper	Loeper	Tilghman
Greenwood			

NAYS—40

Afflerbach	Hess	Musto	Salvatore
Andrezeski	Jones	O'Pake	Shaffer
Armstrong	Jubelirer	Pecora	Shumaker
Bell	Lemmond	Peterson	Stapleton
Bodack	Lewis	Regoli	Stewart
Brightbill	Lincoln	Reibman	Stout
Corman	Lynch	Rhoades	Wenger
Fumo	Madigan	Rocks	Williams
Hankins	Mellow	Romanelli	Wilt
Helfrick	Moore	Ross	Zemprelli

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

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

WILLIAMS AMENDMENT

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

Amend Sec. 70 (Sec. 471), page 155, line 12, by inserting after "the": board. The appeal shall be based solely on the record before the administrative law judge. The board shall affirm the decision of the administrative law judge if it is based on substantial evidence; otherwise, the board shall reverse the decision of the administrative law judge. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the decision of the board, there shall be a right to appeal to the

Amend Sec. 70 (Sec. 471), page 155, line 14, by striking out "The aforesaid appeal" and inserting: Each of the appeals

Amend Sec. 70 (Sec. 471), page 155, line 15, by striking out "court" and inserting: reviewing authority

Amend Sec. 70 (Sec. 471), page 155, line 26, by striking out "court" and inserting: reviewing authority

Amend Sec. 70 (Sec. 471), page 155, line 29, by striking out "court" and inserting: reviewing authority

Amend Sec. 70 (Sec. 471), page 156, line 2, by striking out "court" and inserting: reviewing authority

Amend Sec. 70 (Sec. 471), page 156, line 6, by striking out "by the court"

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

Senator WILLIAMS. Mr. President, we hope this amendment will improve the operation of this law and, hopefully, will avoid the clogging of the courts. What it does is to specifically allow an appeal from the law judge's decision to go to

the board for a final decision before it would go to a court on appeal. This procedure is the same as that which is in place for the Public Utility Commission. We feel it would be solid improvement in the operation of the system, and more cost would tend to prevent an additional clogging of the courts by adding this provision which already has precedent. I would urge its support.

Senator SHUMAKER. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Williams.

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

Senator WILLIAMS. I will, Mr. President.

Senator SHUMAKER. Mr. President, the purpose of this amendment, as I understand it as drafted, would add another step than that recommended already in the bill, is that correct?

Senator WILLIAMS. Mr. President, this would make a change that would improve the bill and make it similar to the administrative law procedures that are in effect throughout the Commonwealth.

Senator SHUMAKER. Mr. President, what I want to know now is why are we building in another step to the appeals process?

Senator WILLIAMS. Mr. President, I would merely say that step is similar to what exists, and for a good reason. As you know, our courts are clogged up as it is, and once an administrative law judge would make a decision, it would be in keeping with what is in precedent already to have a board review that by a standard of substantial evidence. The step is hoped to avoid additional litigation, provide a precedent place for review, it also would hope to tend to reduce expenditures by the Commonwealth and local governments because of the waste of time by doing this. Those are the reasons.

Senator SHUMAKER. Mr. President, we are trying to remove the board in this bill from any appearance, real or imagined, of conflicts of interest. Is this not contrary to that intent?

Senator WILLIAMS. Mr. President, I have no notion as to what the gentleman's suspicions may be. I do not see any issue whatsoever of any conflict of interest. I merely want to state to the gentleman if we failed to provide this kind of a step, we would be out of step with what the administrative law procedures are today. As I said before, we would be spending a lot of money in adding litigation over a period of time. There is absolutely an obligation, as I see it, by a board to review those things under its jurisdiction. If we do not think we have enough confidence in a board to review those things under its jurisdiction, then, indeed, we should not have a board in the first place. But, I say again, what is provided here is in keeping with the traditional law.

Senator SHUMAKER. Mr. President, he says "in keeping with traditional law." Is it not true that the environmental board goes directly on their appeals to the Court of Common Pleas?

Senator WILLIAMS. Mr. President, what environmental board? I am sorry, I did not hear.

Senator SHUMAKER. The Environmental Hearing Board, Mr. President. Their appeals go directly to the Court of Common Pleas, is that not correct?

Senator WILLIAMS. Mr. President, if reference is to the Environmental Hearing Board, and he suggests it is that way, I do not know for sure, but I think that would be in keeping with what I am suggesting. I am saying exactly the same thing, that a board should be the place from which the appeal should go to the court and not just from a hearing person such as an administrative law judge. What he is suggesting is exactly what I am suggesting and that is the appeal should go from the board to the court and not from an individual to the court.

Senator SHUMAKER. Mr. President, will you please ask the gentleman from Philadelphia, Senator Williams, whether he understands that the ALJ's, the administrative law judges, are the hearing officers at the Environmental Hearing Board?

Senator WILLIAMS. Mr. President, as I understand it, the administrative law judge is an administrative law judge and typically sends his findings and decisions to a board above that person as compared to a hearing board in the Environmental Hearing Board. I am not aware there are administrative law judges in the Environmental Hearing Board complex, and if there are, I would suppose that the final decision stops at the board, as I suggested, then goes to the courts. I am urging in this amendment that it be the same. I assure the gentleman, Mr. President, that what we are suggesting is not uncommon. I would suppose that if we are going to change it, there should be a strong argument to do so. I do not suppose that we ought to pass legislation to weaken the procedure and to be more litigious nor more expensive. I suppose the gentleman does have a strong fiscal sensitivity and this proposal would tend to meet that.

Senator SHUMAKER. Mr. President, would you please ask the gentleman from Philadelphia, Senator Williams, if he is trying to cut down expenses, would not the addition of the board be an additional expense for further appeal?

Senator WILLIAMS. Mr. President, I am glad the gentleman does see the light. The board is there, the board is in place, they do not get one cent more. They may do more work. I think we are entitled to get, you know, more work for our buck, and so I am glad you asked that question. The board is already in place and then would not require anything additional. If we are talking about appeals without that kind of review, we certainly are going to get more lawyers and more litigation and more costs in court because those decisions have not been reviewed by a deliberative body whose policies are their responsibility.

Senator SHUMAKER. Mr. President, I am still waiting for a yes or no answer to my question.

The PRESIDENT pro tempore. Senator Williams, I think that is still directed to you. Senator Shumaker, would you clarify what you are asking the gentleman to respond by way of yes or no?

Senator SHUMAKER. Mr. President, I was asking the gentleman, by adding the board to the appeal process, which does not exist in the Environmental Hearing Board process, would he not be adding an additional cost to an aggrieved party?

Senator WILLIAMS. The answer, Mr. President, is absolutely not.

Senator SHUMAKER. One more question, Mr. President. Does the gentleman from Philadelphia, Senator Williams, understand that the hearing board at the Environmental Hearing Board acts as administrative law judges?

Senator WILLIAMS. Mr. President, as I understand, the board sits as a board. That is why it is called a board. I do not understand that they sit as administrative law judges. I would suppose that any law that tends to create administrative law judges would say just that. It would say administrative law judges, because we certainly know how to say that.

POINT OF ORDER

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

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

Senator FUMO. Mr. President, I understood we were talking about the Liquor Control Board. This seems to be an in-depth interrogation on the Environmental Hearing Board and DER. With all the amendments we have, I would love to discuss this forever, but I think we have a lot of other amendments pertaining to the bill and we could talk about the Environmental Hearing Board later on.

The PRESIDENT pro tempore. Nevertheless, I think the debate is proper in the sense that I think Senator Williams has said this is customary and I think Senator Shumaker's point is that there are exceptions, and I think that would be appropriate debate. I agree we ought to move on. Let us move on.

Senator FUMO. Mr. President, I am not questioning the gentleman from Dauphin, Senator Shumaker, I am questioning everybody on the issue. We ought to just deal with whether or not this appellate process is what we wanted over at the LCB, regardless of what they do anywhere else in the world.

Senator WILLIAMS. I have no problem with it, Mr. President. I think the gentleman's course of inquiry is proper. I think he is dead wrong, but I do not think it is improper.

Senator SHUMAKER. Mr. President, I did not get an answer but I will withdraw that question and I will then make a comment.

Mr. President, obviously, I rise to oppose this amendment. One of the things we are trying to do with this legislation is to make the law enforcement separate and apart from the Pennsylvania Liquor Control Board. We are trying to remove the board from any possible, as I said, appearance, real or imagined, of conflicts of interest, and this is tantamount to putting it back into the position we have now. We are setting up administrative law judges so that they are qualified in the law, they are qualified to hear these hearings and the proper appeal would be to the Common Pleas Court. We are adding an unnecessary step, an expensive step, and a step which I do not think is in the spirit and the philosophy of which we are

trying to provide for substantial restructuring of the Pennsylvania Liquor Control Board so that they will be better able to perform their duties. I do oppose the amendment and ask for a negative vote.

Senator PECORA. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Williams.

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

Senator WILLIAMS. I will, Mr. President.

Senator PECORA. Mr. President, maybe the gentleman from Philadelphia, Senator Williams, can answer this: Does the present board of the three that we have presently, with the two Democrats and one Republican, have the hearing procedure powers?

Senator WILLIAMS. Mr. President, I do not know about the Democrat and Republican part of it and I do not know that that is—

Senator PECORA. Mr. President, presently it is two Democrats and one Republican.

Senator WILLIAMS. Mr. President, I am saying that it seems like he is putting some politics in the question and I do not know how to answer the question. Yes, they do have that review now, but I do not know that their political complexion has anything to do with it, Mr. President. If your concern is politics, I think you ought to say that and, you know, let us be frank. But, I think if you are talking about a good system, you ought to be consistent and have it like we have it across the board. I mean, why is there a suspicion about a conflict of interest?

Senator PECORA. Mr. President, it is not a suspicion, it is just for knowledge to what I am leading up to. Mr. President, I would like to also request a question. The administrative law judges that are in this legislation, are they presently the referees who are holding hearings? They are referred to as referees.

Senator WILLIAMS. Mr. President, could he ask that question again? I missed it. My coach was interfering with me back here.

Senator PECORA. Mr. President, will you please tell his coach not to interrupt us.

Mr. President, presently in the legislation the administrative law judges that are to be approved, are they presently referred to as referees at hearings?

Senator WILLIAMS. Mr. President, they are presently referred to as referees or hearing examiners, as I understand it presently. They would switch over or have an option to switch over to become law judges should they so desire, but they are presently hearing examiners, those types.

Senator PECORA. Mr. President, in other words, the referees here make decisions, then that decision is then appealed to the Liquor Control Board commissioners. Is that correct?

Senator WILLIAMS. That is correct, Mr. President.

Senator PECORA. What he is proposing here, Mr. President, is to give more credibility to the procedure where deci-

sions are made by one person and then go straight to the court system. By having this system set up and if the Governor nominates and we confirm well-qualified commissioners in the future, then this is a very good procedure and I would be very interested in supporting this amendment.

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

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

YEAS—30

Afferbach	Jones	Pecora	Salvatore
Andrezski	Lincoln	Regoli	Stapleton
Bell	Loeper	Reibman	Stewart
Bodack	Lynch	Rhoades	Stout
Corman	Madigan	Rocks	Williams
Fumo	Mellow	Romanelli	Wilt
Hankins	Musto	Ross	Zemprelli
Holl	O'Pake		

NAYS—19

Armstrong	Helfrick	Lemmond	Shumaker
Brightbill	Hess	Lewis	Stauffer
Fisher	Hopper	Moore	Tilghman
Greenleaf	Jubelirer	Peterson	Wenger
Greenwood	Kelley	Shaffer	

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

And the question recurring,

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

SALVATORE AMENDMENT I OFFERED

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

Amend Sec. 43 (Sec. 431), page 97, line 22, by inserting after "beverages," to represent and/or sell only those malt or brewed beverages that are manufactured at the licensed premises and to sell or offer to sell only those malt or brewed beverages manufactured at the licensed premises,

On the question,

Will the Senate agree to the amendment?

Senator SALVATORE. Mr. President, this is clarifying language. The amendment reads "to represent and/or sell only those malt or brewed beverages that are manufactured at the licensed premises and to sell or offer to sell only those malt or brewed beverages manufactured at the licensed premises." To give an explanation of a couple of brewers one of them tried it not so long ago. He wanted an imported beer license and they were going to be the importer. They were going to act as a distributor for a product and also be a manufacturer for their own brands. I think that is an interference of our quota system that we have with the beer distributors and I think it is a conflict of interest, and I am asking for support of this particular piece of legislation because it just clarifies the language. It is in the law, but evidently the Liquor Control Board—sometimes in their wisdom—rendered an opinion that said, yes, it could be possible that they could be a manu-

facturer and an importing distributor. I am trying to restrict them from being just a manufacturer.

Senator ZEMPRELLI. Mr. President, I would wonder if the gentleman from Philadelphia, Senator Salvatore, would submit to a short interrogation with the hope that I might understand more fully the meaning of this amendment?

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

Senator SALVATORE. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, it is a requirement that all manufacturers of alcoholic beverages in Pennsylvania must have a license, and I believe the one for manufacturing of malt beverages is called an "M" license. Mr. President, it is obvious that the amendment would restrict any "M" license holder to sell only the products that it makes. Does that mean, Mr. President, if that particular manufacturer in Pennsylvania also manufactured in other states the same product, that he would be restricted to selling only that product that was manufactured in Pennsylvania although it is the same product?

Senator SALVATORE. No, Mr. President. The intent of the legislation, as I explained it, is we do not want a brewer, or as called in this piece of legislation a manufacturer, to be an importing distributor.

Senator ZEMPRELLI. Mr. President, I would call the gentleman's attention to the language of his amendment which says, in the latter part, "...offer to sell only those malt or brewed beverages manufactured at the licensed premises." Mr. President, by way of hypothesis, I would suggest that if the Iron City Brewery Company or the Pittsburgh Brewing Company, whatever it is, had manufacturing plants both in Pittsburgh and Ohio, it would only be allowed to sell the malt beverages it had produced in Pennsylvania, although it is the same product and the same company. Mr. President, that is what this amendment purports to represent as far as I am concerned, and the gentleman has expressed a view other than that, and I would simply call attention to it and ask him if that is not true, that the clear language of this amendment would restrict that same brewery from selling any of its malt products that were not, in fact, manufactured in Pennsylvania?

Senator SALVATORE. Mr. President, that is not true. Stroh's Brewery right now has more than one brewery. They sell Stroh's beer in Pennsylvania but they manufacture Stroh's beer in Detroit, and they manufacture it in Pennsylvania and they sell it in both places, and people from Pennsylvania get Stroh's beer from there.

Senator ZEMPRELLI. Mr. President, I am fully aware of what the gentleman is saying and I am fully aware of the practice, but I am calling attention to your own amendment wherein it says, "...offer to sell only those malt or brewed beverages manufactured at the licensed premises," and the only licensed premises under Pennsylvania law is one that is physically located in the State of Pennsylvania and not the State of Ohio.

Senator SALVATORE. Mr. President, to satisfy the gentleman, I will withdraw the amendment temporarily and have it redrafted to satisfy the gentleman. But do you agree with the principle of the amendment?

Senator ZEMPRELLI. Mr. President, I know there are nineteen manufacturers of malt beverages in the United States of America and I also know that until recently there were nine of those nineteen that manufactured in Pennsylvania. One of them may have gone down the tube recently to make it eight, which would adjust those figures. I am concerned that a manufacturer can act as an importing distributor for another product. I would also be concerned, Mr. President, about the fiction of a national brewer coming into Pennsylvania solely for the purpose of establishing a local brewery, because there is no magic in acquiring a license. It is not a discretionary matter to a great degree. It would just simply be a matter of meeting the legal requirements. Mr. President, there are a lot of deficiencies in the system and the ones that exist at the manufacturing level are probably as great as they are in any other area. Obviously, if I were going to try to judge the reason that this amendment is before us, it is to protect the local manufacturer, and if, in fact, this amendment were prescribed and drafted in such a way that it would protect a Pennsylvania manufacturer without doing havoc to the system of free enterprise, I assure you that I would be supportive, but I do not think there is any such magician who can draft that kind of language to accomplish that purpose, and I said to the Body in the form of an interrogatory that this amendment falls very short of what the gentleman hopes to accomplish.

To answer his question, I am supportive of your principle but I would want to see your language, because I am concerned that the language, regardless of how drafted, would not be able to accomplish that purpose.

Senator SALVATORE. Mr. President, I am going to try to accommodate the gentleman from Allegheny County. I am going to try to redraft the language or take a word or two out and try to satisfy him. My intent, and I will state it again, is that I do not want a manufacturer being in two businesses. If he is a manufacturer—and it is clear what a manufacturer is in the proposed legislation—let him be a manufacturer. I do not want him to be a manufacturer and then be an importing distributor or represent another brand that he does not manufacture. That is what I am trying to do.

Senator ZEMPRELLI. Mr. President, a very important part of this whole discussion is a statement that was made by the gentleman in his principal remarks, and that was he is possessed of an opinion which indicates to him—from at least what I heard—that it is possible for an “M” license holder to handle the manufactured product of another manufacturer. I was not aware of that. I did not really believe that. I am not in a position to dispute the opinion, but it seems to me that the root core is that precise problem, and that is the rights of a manufacturer under an “M” license should properly be redefined and stated, and in that fashion I think the gentleman’s point can be accomplished.

SALVATORE AMENDMENT I WITHDRAWN

Senator SALVATORE. Mr. President, I am going to withdraw the amendment, and then later on I will offer the amendment again after I get it redrafted.

The PRESIDENT pro tempore. Senator Salvatore withdraws the amendment before the Body.

And the question recurring,

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

SALVATORE AMENDMENT II

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

Amend Sec. 44 (Sec. 431), page 101, line 8, by inserting after “manufacturer”: Should a licensee accept the delivery of such malt or brewed beverages in violation of this section, said licensee shall be subject to a suspension of his license for at least thirty days

On the question,

Will the Senate agree to the amendment?

Senator SALVATORE. Mr. President, first of all, the purpose of this amendment is intended to prevent out-of-state purchases of beer by importing distributors and distributors who then illegally resell the beer in Pennsylvania. I would like to note that no tax has been paid on this beer, so the state loses revenue. This amendment is in no way intended to affect the purchase of beer within the Commonwealth of Pennsylvania and resold to another area in Pennsylvania. This is solely to stop what we call transshipping of beer that comes into Pennsylvania illegally.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator AFFLERBACH. Mr. President, I would like to change my vote from “no” to “aye.”

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

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

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

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

YEAS—37

Afflerbach	Helfrick	Moore	Shumaker
Armstrong	Hess	O’Pake	Stapleton
Bell	Holl	Pecora	Stauffer
Brightbill	Hopper	Peterson	Stewart
Corman	Jubelirer	Regoli	Stout
Fisher	Lemmond	Reibman	Tilghman
Fumo	Loeper	Rhoades	Wenger
Greenleaf	Lynch	Salvatore	Williams
Greenwood	Madigan	Shaffer	Wilt
Hankins			

NAYS—12

Andrezeski	Kelley	Mellow	Romanelli
Bodack	Lewis	Musto	Ross
Jones	Lincoln	Rocks	Zemprelli

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

The PRESIDING OFFICER (William J. Moore) in the Chair.

And the question recurring,

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

SALVATORE AMENDMENT III

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

Amend Title, page 1, line 25, by inserting after "licenses,": for brand registration,

Amend Sec. 58.1, page 130, line 3, by striking out "a section" and inserting: sections

Amend Sec. 58.1, page 130, by inserting between lines 6 and 7:

Section 444.1. Brand Registration.—No brand or brands of malt or brewed beverages shall be offered, sold or delivered to any trade buyer within this Commonwealth unless the manufacturer thereof shall first submit an application in the form and manner prescribed by the board for the registration of the said brand or brands of malt beverages together with an annual filing fee not to exceed twenty five dollars (\$25) for each brand registration requested. In the event an out of State or foreign manufacturer of malt or brewed beverages has granted franchise rights to any person for the sale and distribution of its brand products but which person is not licensed to sell and distribute the same in this Commonwealth, said such person shall nevertheless be required to register the involved brand before offering the same for sale in Pennsylvania. It is further conditioned that the person holding such franchise rights shall, together with its application for brand registration, file with the board copies of all agreements between it and the Pennsylvania importing distributor appointed by such person to sell and distribute the brands of malt or brewed beverages as provided by sections 431 and 492. Such agreement shall contain the manufacturer's consent and approval to the appointment of the Pennsylvania importing distributor and the rights conferred thereunder.

On the question,

Will the Senate agree to the amendment?

Senator SALVATORE. Mr. President, this amendment is a brand registration amendment. It is self-explanatory, but I will read it. It says, "No brand or brands of malt or brewed beverages shall be offered, sold or delivered to any trade buyer within this Commonwealth unless the manufacturer thereof shall first submit an application in the form and manner prescribed by the board for the registration of the said brand or brands of malt beverages together with an annual filing fee not to exceed twenty five dollars (\$25) for each brand registration requested. In the event an out of State or foreign manufacturer of malt or brewed beverages has granted franchise rights to any person for the sale and distribution of its brand products but which person is not licensed to sell and distribute the same in this Commonwealth, said such person shall nevertheless be required to register the

involved brand before offering the same for sale in Pennsylvania. It is further conditioned that the person holding such franchise rights shall, together with its application for brand registration, file with the board copies of all agreements between it and the Pennsylvania importing distributor appointed by such person to sell and distribute the brands of malt or brewed beverages as provided by sections 431 and 492. Such agreement shall contain the manufacturer's consent and approval to the appointment of the Pennsylvania importing distributor and the rights conferred thereunder."

This is another one, Mr. President, that almost does what the last one does. The only thing is, in order for you to sell beer in many states you must register the brand of beer. What is happening is we are getting beer that is being shipped into Pennsylvania that is not registered. They do not pay any taxes on the beer. Many times it is old, stale beer from another area, because most importing distributors throughout the country are on quotas. So, when they do not meet their quota, what they do is ship the brand into Pennsylvania and they affect the sale of the distributor in Pennsylvania because he loses sales as someone dumps beer off in his market. Also, as I said, there are no taxes paid on that product because they are not registered in Pennsylvania. We are saying let everybody register in Pennsylvania, then they have to report what they ship into Pennsylvania.

Senator ZEMPRELLI. Mr. President, I, quite frankly, have a very, very difficult time understanding the amendment, and I would call attention to the sentence that begins with the word "in" about a little more than one-third of the way down in Section 444.1, which reads as follows: "In the event an out of State or foreign manufacturer of malt or brewed beverages has granted franchise rights to any person for the sale and distribution of its brand products but which person is not licensed to sell and distribute the same in this Commonwealth..." now we have somebody who has been franchised by a manufacturer but he has not been licensed to sell it and we go on and say "...such person shall nevertheless be required to register the involved brand before offering the same for sale in Pennsylvania."

We are saying, first of all, that he is either an out-of-state or an international manufacturer. We are saying, secondly, that he has given somebody a franchise and the person is not licensed in Pennsylvania, but we are going to require him to register the involved brand before offering the same for sale in Pennsylvania. I have to conclude from the sentence that here we have an out-of-state or an international manufacturer that has been given a franchise for some territory, assumedly it would be for the State of Pennsylvania, or Pennsylvania and others, that is not licensed. I do not know what he is licensed for or against and it does not say what he is licensed for or against, but if this unlicensed presumed seller is going to offer this brand in Pennsylvania, he has to register the involved brand before offering the same in Pennsylvania.

Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

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

Senator SALVATORE. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, my question is, if he is going to offer it, why does he not have to be licensed? Do we have a situation where we are sanctioning the offering of a brand of foreign or international beer by a franchise agent that is not licensed but nonetheless can offer it simply because he registers the brand? If I do not have a reasonable interpretation on the language of that section, I, Mr. President, would ask the gentleman if he would please tell me what that section means?

Senator SALVATORE. Mr. President, the language is very clear and explicit. I can read it and I can understand it. All I am saying to you right now is people who hold franchise agreements in Pennsylvania and are purchasing beer from an out-of-state or a foreign manufacturer, that foreign manufacturer does not have to register his brand of beer in Pennsylvania. All I am asking is for him to have to register that brand in Pennsylvania. Furthermore, there are other beers that have no importing distributors in Pennsylvania, they have no one, but the beer is coming into Pennsylvania. They have no one and they just sell it to anybody and they sell it, again, as a transshipping dump-off market. They sell old beer, beer that has whiskers in it. It could be many things. They dump it off in Pennsylvania.

Senator ZEMPRELLI. Mr. President, I call attention to the difference in the response to the section of the paragraph, and it says, "by a licensee who is not licensed to sell." That is the pivotal part of the sentence. Having said to the gentleman that he presumes a person who is licensed to sell and he would presume then that brand should be registered, I query now from his additional response as to what the gentleman's purpose is in this amendment. Is the gentleman telling the Senate that they would like to adopt this amendment to keep foreign beer out of this Commonwealth?

Senator SALVATORE. Mr. President, no, that is not the intention of this amendment.

Senator ZEMPRELLI. Mr. President, what does licensing of a sales representative have to do with registration of a brand?

Senator SALVATORE. Mr. President, the person is licensed in Pennsylvania, now we are asking the person he is purchasing the beer for to register the brand in Pennsylvania.

Senator ZEMPRELLI. Mr. President, I understand that. But how about the person who is not licensed, Mr. President?

Senator SALVATORE. Mr. President, if he is a beer distributor and he is not licensed, he is operating illegally.

Senator ZEMPRELLI. Mr. President, the gentleman makes my point, because his amendment says, "...but which person is not licensed to sell and distribute the same in this Commonwealth,...such person shall nevertheless be required to register the involved brand...." You are saying, Mr. President, that if a person is not licensed to sell the brewed product, he has to register the same. The presumption is if he

is licensed, he does not have to. Or if that is not the case, why the amendment at all?

Senator SALVATORE. Mr. President, the amendment does not read that way. He is interpreting it that way. The amendment does not say the brewer or the foreign manufacturer does not have to be licensed in Pennsylvania. He just has to register the brand in Pennsylvania. The distributor has to be licensed to accept the product from the foreign manufacturer. All I am saying in this amendment is that no brand can come into Pennsylvania unless they register in Pennsylvania.

Senator ZEMPRELLI. Mr. President, if that is what the gentleman intends, then his last statement says it all. That is that no brand of malt or brewed beverages shall be offered for sale in the Commonwealth of Pennsylvania until such time as it has been registered. That would put the whole thing in context, but I am suggesting to the gentleman again that this amendment does not accomplish its purpose. It would appear to me this not only does not accomplish his purpose, but I think he has created a violation of the Federal Fair Trade Act and possibly a restriction on interstate commerce in the way in which the amendment has been drafted. I would agree with the gentleman in concept, that any brand of beer that comes into this Commonwealth should be registered. I have serious reservations as to the fact that this will accomplish it in this amendment. I repeat, I think the amendment really gives you problems in interstate commerce as being restrictive of interstate commerce and, secondly, I am of the opinion that you also may have other federal problems with the language the way it is written.

I would ask for a negative vote. I would ask the gentleman to resubmit the amendment in the form that he so beautifully stated it at the end: No beer shall be sold in Pennsylvania by anyone until such time as the brand has been registered.

Senator SALVATORE. I ask for an affirmative vote, Mr. President, on the amendment. I think the amendment is self-explanatory in what we are trying to do. All we are saying again—and I do not want to be redundant, but that is what we are trying to do in the amendment—is protect.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I would request temporary Capitol leaves for Senator Kelley and Senator Musto who have been called to their offices.

The PRESIDING OFFICER. Senator Mellow requests temporary Capitol leaves for Senator Kelley and Senator Musto. Are there any objections? The Chair sees none. The leaves will be granted.

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

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

YEAS—30

Armstrong	Holl	O'Pake	Shumaker
Bell	Hopper	Pecora	Stauffer
Brightbill	Jubelirer	Peterson	Stewart
Corman	Lemmond	Regoli	Tilghman
Fisher	Loeper	Rhoades	Wenger
Greenwood	Lynch	Salvatore	Williams

Helfrick	Madigan	Shaffer	Wilt
Hess	Moore		

NAYS—19

Afflerbach	Hankins	Mellow	Ross
Andrezski	Jones	Musto	Stapleton
Bodack	Kelley	Reibman	Stout
Fumo	Lewis	Rocks	Zemprelli
Greenleaf	Lincoln	Romanelli	

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

And the question recurring,

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

SALVATORE AMENDMENT IV

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

Amend Bill, page 121, by inserting between lines 19 and 20:

Section 54.1. The act is amended by adding a section to read:

Section 441.1. Monthly Reporting.—Each importing distributor or distributor of malt and brewed beverages shall file a monthly report with the board of the total amount of malt or brewed beverages purchased from each manufacturer, importer or agent thereof and the total amount of malt or brewed beverages sold per manufacturer, importer or agent thereof on a county-by-county basis. Such reports shall be expressed in two hundred eighty-eight ounce equivalents and shall be available for public inspection during the normal business hours of the board. The report shall not include a breakdown of individual brand names of products.

On the question,

Will the Senate agree to the amendment?

Senator SALVATORE. Mr. President, this is an amendment that has to do with monthly reporting. It is done in twenty-two other states.

"Each importing distributor or distributor of malt and brewed beverages shall file a monthly report with the board of the total amount of malt or brewed beverages purchased from each manufacturer, importer or agent thereof and the total amount of malt or brewed beverages sold per manufacturer, importer or agent thereof on a county-by-county basis. Such reports shall be expressed in two hundred eighty-eight ounce equivalents and shall be available for public inspection during the normal business hours of the board. The report shall not include a breakdown of individual brand names of products."

So, they do not have to break down the brand names of the products, just the total amount and all in two hundred eighty-eight ounce equivalents. It is done in many other states and I do not see why it cannot be done in Pennsylvania.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

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

Senator SALVATORE. I will, Mr. President.

Senator MELLOW. Mr. President, can the gentleman tell us the current status of reporting? The amendment would

have a month-by-month reporting. Can the gentleman tell us what the current requirement is for reporting?

Senator SALVATORE. Currently, you have to report, Mr. President, all the brands that you purchase, out-of-state or in-state, and you have to break it down by packages: quarts, pints, seven ounces, half barrels, quarter barrels; that is the present law.

Senator MELLOW. Mr. President, he may have answered it but I am not certain because I did not hear the answer, but can he tell us what the current law is as far as reporting? Is there a periodical reporting today? He may have given the answer but I did not hear it.

Senator SALVATORE. You have to report it on a monthly basis today, Mr. President.

Senator MELLOW. Mr. President, in his discussion he said he can see no good reason why we should not do this, adopt the amendment. Can the gentleman tell us a good reason why we should adopt the amendment since there already is a form of a month-by-month reporting?

Senator SALVATORE. The reason we would like to do this, Mr. President, is so everyone can find out how much of a product is being sold of their particular product in Pennsylvania. That is the reason for the amendment. There is no other reason, only to gauge the volume of business that a particular brewer or out-of-state manufacturer is doing in a particular area. That is the only intent of this legislation.

Senator MELLOW. Mr. President, can the gentleman then tell us basically who will benefit by this particular type of reporting? Is there any way in which the consuming public is going to benefit by the adoption of this particular type of amendment?

Senator SALVATORE. Well, Mr. President, I do not know if the consuming public will benefit by it, but the people who are in the business would benefit by it. The licensees would benefit by it, the distributors would benefit by it and the brewers and out-of-state manufacturers or in-state manufacturers would benefit by it. That is the only reason for the amendment, Mr. President.

Senator MELLOW. Mr. President, can the gentleman then share with us how they will benefit by this particular type of amendment? If it does not benefit the consumer, then can he share with us how the manufacturers or the distributors will benefit by having this information on what their competition may, in fact, be doing?

Senator SALVATORE. Well, Mr. President, what it does is, they might be weak in certain counties, certain areas, and they could beef up their advertising in those particular areas. That is one of the things that they could do, find out who is selling the most products in one given area, and maybe if they want to meet the competition, go into that area and advertise more. That is the only reason.

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

Mr. President, after listening to the answers, it would appear to me that this particular type of amendment, basically, would serve no useful purpose for the people of the Commonwealth. It, basically, would serve a useful purpose

for the manufacturers to possibly tell them areas in which they may not have the proper type of advertising—to take the gentleman's words—for the purpose of selling their product, and I do not believe we should use as a vehicle this particular bill, House Bill No. 1000, to advance the advertising capabilities of a manufacturer to go ahead and increase the sale of their brewed product in some part of the Commonwealth, and I would ask for a negative vote on the amendment.

Senator AFFLERBACH. Mr. President, I, too, would ask for a negative vote on the amendment. It appears perfectly clear to me that what this amendment would do would be to propose to utilize the board and board personnel to do the marketing research and analysis that is normally done by a private company or a private individual. I do not believe we ought to be using the board or board personnel to perform that kind of research analysis, thereby saving the private company or the private individual the cost of having to do it themselves, and I ask for a negative vote.

Senator SALVATORE. Also, Mr. President, which is probably one of the more important parts of this amendment, it would dovetail one amendment we just passed that has to do with transshipping. We would be able then to identify who is transshipping and who is not transshipping, and that dovetails with that other amendment, so that is another good feature of this amendment.

Senator MELLOW. You know, Mr. President, we would be dovetailing on a previous amendment for whose purpose? Certainly not for the purpose of the people of the Commonwealth, but for the purpose of the manufacturer who is making a profit based on what type of advertising they do. I think the more we talk about this amendment, and, perhaps, the last amendment we just addressed ourselves to, the more clear it is that we, in fact, should not be considering an amendment like this and should be voting against it. This truly represents a special interest amendment in a sense of legislation in dealing with the reenactment of the Pennsylvania Liquor Control Board in Pennsylvania, and we should not be a part of this type of an amendment in this particular proposal.

Senator SALVATORE. Mr. President, it does have an impact on the State of Pennsylvania because there are no taxes paid on a lot of beer. If everybody has to report the product, then we would know exactly what beers are being sold in Pennsylvania, whether they are registered in Pennsylvania, and then we would collect taxes, so there is a benefit to the State of Pennsylvania. We would catch a lot of tax cheaters in that category.

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

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

YEAS—22

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

Hess Madigan

NAYS—27

Afflerbach	Hankins	Musto	Ross
Andrezeski	Jones	O'Pake	Stapleton
Bell	Kelley	Pecora	Stewart
Bodack	Lewis	Regoli	Stout
Fumo	Lincoln	Reibman	Williams
Greenleaf	Lynch	Rocks	Zemprelli
Greenwood	Mellow	Romanelli	

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

And the question recurring,

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

SALVATORE AMENDMENT V

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

Amend Sec. 95 (Sec. 505.2), page 204, line 19, by striking out the bracket before "three"

Amend Sec. 95 (Sec. 505.2), page 204, line 19, by striking out "] FIVE"

On the question,

Will the Senate agree to the amendment?

Senator SALVATORE. Mr. President, this amendment was offered in committee and was defeated in committee, but I felt this was an important amendment to be offered on the floor. It has to do with limited wineries. What it is doing is expanding the limited wineries so they can have five locations instead of three. The limited wineries are circumventing the system to a certain extent. First of all, they do not go into the State Stores and list their wines in the State Stores. Some of them do, but very few do. Most of them do not because they escape the 18 percent tax. They do not pay the 18 percent tax when they sell the wine directly out of these limited wine stores. That is a loss of revenue to the Commonwealth of Pennsylvania. Secondly, it is a loss of jobs, of state jobs. We have given them leeway. We increased their gallonage. They started at one location, now they went to three. They have three now and now they want to go to five. I am saying they should go back to three. What this is also doing is opening up the door for grocery stores to sell wines because some of these limited wineries are attaching their stores right next to a supermarket. I think you are setting two standards here and, most of all, the tax is not being collected like on other products. I think they should pay the tax like everybody else.

Senator MELLOW. Mr. President, I hate to delay once again the Session this afternoon, but I find myself in a position of having to take exception to the sponsor of the amendment. Several years ago, Mr. President, we did everything we could in this state on a bipartisan basis, supported by the Administration, to try to foster a new industry known as the Pennsylvania wineries. That fledgling industry, Mr. President, over the last several years, with the help of the Commonwealth, has done very well. What we have been able to do in this bill is we have increased the amount of gallons that can

be produced from the Pennsylvania wine industry from 100,000 gallons per year to 200,000 gallons per year. There was a request, Mr. President, to make it higher than 200,000 gallons per year. We also, in the bill that is currently before us, have gone ahead with these Pennsylvania wineries and we have said that it is okay for you to open up five of your own stores to sell only Pennsylvania wines, which, basically, what it does is it continues to foster the Pennsylvania wine industry right here in Pennsylvania. Basically, all that we are asking to have Pennsylvania wineries be able to do is we are telling them that it is okay for you to go ahead and produce up to 200,000 gallons of wine. We are also telling them that you can take that 200,000 gallons of wine and you can operate five stores to sell only your Pennsylvania wine in those five stores. The purpose being, Mr. President, is not to try to evade any taxes, it is not to try to put wine in grocery stores or whiskey or wine coolers in grocery stores, it is basically to try to develop a new industry in Pennsylvania which started several years ago and currently seems to be doing very, very well, but needs some help from the Pennsylvania General Assembly. This is not going to cost the taxpayer of Pennsylvania one penny, but it is going to go a long way to try to aid and to continue to develop this new industry known as the Pennsylvania wine industry. I very strongly oppose the amendment, Mr. President.

Senator SALVATORE. Mr. President, I just want to make one statement. Presently there are forty-six limited wineries in Pennsylvania and the combined total does not exceed 100,000 gallons of wine that they sell right now. Forty-six limited wineries in Pennsylvania. What we are going to do is give them five times forty-six, which is 230 outlets to sell Pennsylvania wines.

LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. The Chair recognizes the presence on the floor of Senator Jones. Her leave will be cancelled. The Chair recognizes the presence on the floor of Senator Shaffer. His leave will be cancelled. The Chair recognizes the presence on the floor of Senator Armstrong. His leave will be cancelled.

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

Senator AFFLERBACH. Mr. President, continuing along the lines of my colleague, the gentleman from Lackawanna, Senator Mellow, I, too, oppose this amendment. There is one clear beneficiary of the amendment and that is the California wine industry. If there was an amendment offered to date that would be more detrimental to Pennsylvania industry and Pennsylvania economic development than this amendment, I would like to see what it is. Clearly we provide incentives to the Pennsylvania wine industry. Clearly this amendment destroys those incentives, and I ask for its defeat.

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

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

(During the calling of the roll, the following occurred:)
Senator HOPPER. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—4			
Bell	Pecora	Salvatore	Williams
NAYS—45			
Afflerbach	Hess	Madigan	Ross
Andrezeski	Holl	Mellow	Shaffer
Armstrong	Hopper	Moore	Shumaker
Bodack	Jones	Musto	Stapleton
Brightbill	Jubelirer	O'Pake	Stauffer
Corman	Kelley	Peterson	Stewart
Fisher	Lemmond	Regoli	Stout
Fumo	Lewis	Reibman	Tilghman
Greenleaf	Lincoln	Rhoades	Wenger
Greenwood	Loeper	Rocks	Wilt
Hankins	Lynch	Romanelli	Zemprelli
Helfrick			

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

And the question recurring,

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

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Zemprelli, Senator Lynch, Senator Regoli and Senator Fumo.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Zemprelli, Senator Lynch, Senator Regoli and Senator Fumo. Are there objections to the leave requests? The Chair hears no objections to the leave requests. The leaves will be granted.

Senator LOEPER. Mr. President, additionally, Senator Salvatore and Senator Holl have been called to their offices and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Salvatore and Senator Holl. The Chair hears no objection. Their temporary Capitol leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair would also recognize the presence on the floor of Senator Lincoln and Senator Rocks. Their temporary Capitol leaves will be cancelled.

GUESTS OF SENATOR J. WILLIAM LINCOLN PRESENTED TO SENATE

Senator LINCOLN. Mr. President, on this day that we are dealing with such a major piece of legislation, we are privileged to have with us from Fayette County a group representing the Mountain Democrat Club and other local officials from the fine County of Fayette. The tour has been put together by a very good friend of mine, Shirley Hughes, so I would appreciate it if the Senate would give this group their usual warm welcome.

The PRESIDENT. Would the guests of Senator Lincoln please rise so we can afford you our customary warm welcome.

(Applause.)

And the question recurring,

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

PECORA AMENDMENT I

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

Amend Sec. 14 (Sec. 211), page 37, lines 15 through 18, by striking out all of said lines and inserting:

(c) Except for persons employed as enforcement officers of the Pennsylvania Liquor Control Board on the effective date of this section who are transferred to the Bureau of Liquor Control Enforcement, all personnel of the Bureau of Liquor Control Enforcement employed in an enforcement or investigation capacity shall be Pennsylvania State Police officers.

On the question,

Will the Senate agree to the amendment?

Senator PECORA. Mr. President, this amendment makes exceptions "...for persons employed as enforcement officers of the Pennsylvania Liquor Control Board on the effective date of this section who are transferred to the Bureau of Liquor Control Enforcement, all personnel of the Bureau of Liquor Control Enforcement employed in an enforcement or investigation capacity shall be Pennsylvania State Police officers."

This amendment grandfathers the present enforcement agencies upon retirement and other reasons for vacancies to be then employed by a Pennsylvania State Police officer to fill those vacancies. What initiated this attempt, Mr. President, was that I received literature from the Conference of State Police Lodges and FOP, of which they are members, which states that the present legislation which delegates three members of the State Police Commission to supervise the Liquor Control Board enforcement agencies, that it would be very difficult for them to do because of the magnitude of the taverns and the problems within this Commonwealth. This legislation would probably initiate them to be the scapegoats of the industry. It also brings to attention that State Police officers have special training in law enforcement, especially where drugs and alcohol abuse is concerned. They would probably be more qualified to go into that type of enforcement department and, by working together with the present enforcement agencies, they can become more knowledgeable of the system and would benefit this Commonwealth more properly.

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, before I speak on the amendment, I request a temporary Capitol leave for Senator Rocks who came on the floor and is now going to be leaving the floor, I believe, for a meeting in his office.

The PRESIDENT. Senator Mellow requests temporary Capitol leave for Senator Rocks. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, there are many different things that can be stated on the floor of the Senate about the merits of the proposal that has been given to us by the gentleman from Allegheny, Senator Pecora, and the areas in which the proposal is not meritorious. It is something of much discussion that we have designated a lot of our time to, whether the enforcement aspect of the Pennsylvania State Police should ultimately be in the hands of members of the Pennsylvania State Police or if it should stay under the direction of the Pennsylvania State Police but as civilian enforcement officers. It has been the conclusion by those of us who have been so deeply involved in this that it would serve the best purpose of the interests of the Commonwealth if those enforcement officers were to remain in a civilian status, among other things. It is because of that and many other things that we could discuss here on the floor, Mr. President, that I would request a negative vote on the amendment.

Senator WILLIAMS. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Pecora.

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

Senator PECORA. I will, Mr. President.

Senator WILLIAMS. Mr. President, am I to understand that the gentleman's amendment would leave the enforcement powers where they presently are under the law?

Senator PECORA. Mr. President, I have a caucus here and it is difficult for me to hear the gentleman from Philadelphia, Senator Williams. I wish to apologize by asking him to please repeat the question.

Senator WILLIAMS. Yes, Mr. President.

POINT OF ORDER

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

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

Senator MELLOW. Mr. President, this is an extremely complicated subject matter and there is a lot of noise on the floor of the Senate. I think it would be important so we can all participate in the debate if we could at least ask the Members for their indulgence as this debate continues.

The PRESIDENT. The gentleman's point is well taken. The Chair appreciates the indulgence of all Senators in participating and listening to the debate.

Senator WILLIAMS. Mr. President, maybe I misunderstood the description of the amendment, but I had thought the amendment would leave the enforcement powers where they are rather than put them in the State Police. Could you describe where the amendment would place the enforcement powers?

Senator PECORA. Mr. President, it would put the enforcement powers eventually into full control of the State Police with State Police officers eventually being the enforcement agents.

Senator WILLIAMS. Mr. President, I saw a document on my desk from the State FOP speaking, I think, for the State Police indicating that they did not want to have the enforcement powers. Am I correct? I address this to the gentleman.

Senator PECORA. Mr. President, they do not want it in the three-man capacity as stated in this report because the three members would not be able to control the enforcement agencies within the Commonwealth. They feel they would be accepting a great responsibility without the ability to control the enforcement with the enforcement agents. They definitely oppose that concept which is presently in the legislation. My amendment would grandfather State Police officers who are trained in the field with the same training that the officials would have who would supervise this. It would work in a more adequate position.

Senator WILLIAMS. Mr. President, I was reading that letter addressed to you by the Conference of State Police Lodges and that letter says that there is not sufficient allocation of State Police manpower to adequately supervise the enforcement aspects of the state. "We feel that an inference of enforcement that is presently occurring, there is no way the allocation of a three man State Police personnel can control and correct the problems that would be inherited by the transfer of powers." Does the gentleman agree with that statement?

Senator PECORA. Mr. President, I agree with them to that extent, that it would be very difficult. I also agree where they are saying that we would put those three persons in a position of being scapegoats if some of the bad enforcement agents that the accusations were made on this Senate floor does exist. It is being said right now we have some enforcement agents who have been referred to as operating in improper type enforcement procedures. They are under the impression that those three members then would take the responsibilities, the accusations of corruption and the accusations from the news media for personnel whom they have not picked.

Senator WILLIAMS. Mr. President, they also say in that letter that if House Bill No. 1000 cannot be changed the way they want it, they would recommend leaving the enforcement under the Liquor Control Board. Is that correct?

Senator PECORA. That is correct, Mr. President.

Senator WILLIAMS. Mr. President, do you agree with that conclusion?

Senator PECORA. Mr. President, I agree with that conclusion to the extent that we are playing silly games by giving the impression that we are changing the enforcement but yet the agents are still there. We are only putting a liability and burden onto three members of the State Police division.

Senator WILLIAMS. Mr. President, in other words, the gentleman agrees that it should be left where it is if it cannot be changed?

Senator PECORA. That is correct, Mr. President. We do not need scapegoats in the State Police division.

Mr. President, as you realize, this amendment would grandfather the full control of the division over to the State Police. As vacancies occur, this amendment will replace them with educated, qualified State Police officials.

Senator MELLOW. Mr. President, can I, just for the record, indicate that the letter that has been referred to by the Conference of State Police Lodges dated May 28, 1987, which talks about the enforcement aspect where there would only be three members of the Pennsylvania State Police that would be in charge of enforcement. That provision has been changed in House Bill No. 1000 and, therefore, the content of this letter, by and large, does not apply to the amendment that we are discussing nor to the bill in its current fashion.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—9

Armstrong	Greenwood	Madigan	Rhoades
Bell	Hopper	Pecora	Shaffer
Greenleaf			

NAYS—39

Afflerbach	Holl	Moore	Shumaker
Andrezeski	Jones	Musto	Stapleton
Bodack	Jubelirer	O'Pake	Stauffer
Brightbill	Kelley	Peterson	Stewart
Corman	Lemmond	Regoli	Stout
Fisher	Lewis	Reibman	Tilghman
Fumo	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess	Mellow	Salvatore	

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

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

LEWIS AMENDMENT

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

Amend Sec. 34 (Sec. 408.4), page 76, line 23, by inserting brackets before and after "days" and inserting immediately thereafter: or nonconsecutive days: Provided, however, That the five nonconsecutive days shall be used in a three-month period measured from the date of the first day

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

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I request a leave of absence for Senator Williams.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Williams. Is there an objection? The Chair hears none. The leave will be granted.

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

Senator LEWIS. Mr. President, very simply, the amendment proposes the change in the current requirement that the five days of special licensing for fire companies and similar type institutions not have to be consecutive. Restated, a fire company can presently qualify once a year for a special license of up to five days for the sale of alcoholic beverages, but those five days have to be consecutive. My amendment proposes that the five days can be nonconsecutive, but they all must be used within a three-month period of time.

Senator MELLOW. Mr. President, I believe it is an agreed-upon amendment.

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

It was agreed to.

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

RECONSIDERATION OF LEWIS AMENDMENT

Senator LOEPER. Mr. President, I would move that we reconsider the vote by which the amendment offered by Senator Lewis just passed.

The PRESIDENT. Senator Loeper moves that we reconsider the vote by which the Lewis amendment just passed.

The motion was agreed to.

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

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

YEAS—46

Afflerbach	Hess	Mellow	Ross
Andrezeski	Holl	Moore	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Brightbill	Jubelirer	Pecora	Stauffer
Corman	Kelley	Peterson	Stewart
Fisher	Lemmond	Regoli	Stout
Fumo	Lewis	Reibman	Tilghman
Greenleaf	Lincoln	Rhoades	Williams
Greenwood	Loeper	Rocks	Wilt
Hankins	Lynch	Romanelli	Zemprelli
Helfrick	Madigan		

NAYS—3

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

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

RHOADES AMENDMENT

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

Amend Sec. 10 (Sec. 207), page 28, line 4, by removing the period after "BOARD" and inserting: : Provided, however, That in no event shall the markup, handling charge or any other charge applied to any brand be less than that applied to any brand sold to the board by a Pennsylvania producer of the same class or type.

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

Senator RHOADES. Mr. President, the amendment very simply states "...That in no event shall the markup, handling charge or any other charge applied to any brand be less than that applied to any brand sold to the board by a Pennsylvania producer of the same class or type."

Basically, what it establishes is parity and fairness in dealing with Pennsylvania produced products. It does not change the price structure or the competition of the item itself, but merely develops the policy which states that we will not have someone from an international or large corporation entering Pennsylvania, dumping their materials in here and getting a special markup or handling charge and thus putting our local producers out of business. In fact, I think at one time we had forty-two distillers in the Commonwealth and we are down to about two right now with about 800 employees. So what this does is—not at any expense to the Commonwealth—it gives not even preferential treatment as is addressed in House Bill No. 1000 on page 28, and in that particular case, it says, "The board may establish a preferential price structure for wines produced within this Commonwealth for the promotion of such wines, as long as the price structure is uniform within each class of wine purchased by the board." We are not asking for that. We are only asking for parity. We are only asking for fairness so that we do not put our people out of work or shut our distilleries down.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Lewis and Senator Lincoln.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Lewis and Senator Lincoln. Are there objections? The Chair hears none. The leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence of Senator Williams, and his temporary Capitol leave will be cancelled.

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

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

Senator WILLIAMS. Mr. President, I made a mistake. I think I was heard in voting in the negative. That actually was the affirmative.

The PRESIDENT. The Clerk will report and record Senator Williams in the affirmative.

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

The PRESIDENT. The Clerk will record Senator Jones in the affirmative.

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

YEAS—21

Afflerbach	Greenleaf	Jones	Stewart
Armstrong	Greenwood	Madigan	Stout
Bell	Hankins	Mellow	Tilghman
Bodack	Hess	Pecora	Wenger
Brightbill	Hopper	Rhoades	Williams
Corman			

NAYS—28

Andrezeski	Lemmond	O'Pake	Salvatore
Fisher	Lewis	Peterson	Shaffer
Fumo	Lincoln	Regoli	Shumaker
Helfrick	Loeper	Reibman	Stapleton
Holl	Lynch	Rocks	Stauffer
Jubelirer	Moore	Romanelli	Wilt
Kelley	Musto	Ross	Zemprelli

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

And the question recurring,

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

MADIGAN-WILT-ROMANELLI AMENDMENT

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

Amend Bill, page 198, by inserting between lines 27 and 28:

Section 86. The act is amended by adding a section to read:

Section 498. Unlawful Advertising.—(a) No manufacturer, wholesaler, retailer or shipper whether from outside or inside this Commonwealth and no licensee under this act shall cause or permit the advertising in any manner whatsoever of the price of any malt beverage, cordial, wine or distilled liquor offered for sale in this Commonwealth: Provided, however, That the provisions of this section shall not apply to price signs or tags attached to or placed on merchandise for sale within the licensed premises in accordance with rules and regulations of the board.

(b) Any person who violates any of the provisions of this section commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of fifty dollars (\$50) for the first offense and for each additional offense thereafter shall be sentenced to pay a fine of one hundred dollars (\$100). Publication or broadcast by any person in violation of the provisions of this section shall also be subject to injunctive proceedings in a court of competent jurisdiction on a complaint brought by a retail licensee or an association of retail licensees.

(c) The provisions of this section shall not apply to any trade journal which is duly recognized and authorized to be exempt from the provisions of this section by the board.

On the question,

Will the Senate agree to the amendment?

Senator MADIGAN. Mr. President, on behalf of myself and the gentleman from Mercer, Senator Wilt, I am offering an amendment which would provide adding Section 498, which would prohibit the advertising of price. The amendment states, "...No manufacturer, wholesaler, retailer or shipper whether from outside or inside this Commonwealth and no licensee under this act shall cause or permit the advertising in any manner whatsoever of the price of any malt beverage, cordial, wine or distilled liquor offered for sale in this Commonwealth...." I know the issue is debatable. Many people in the Bible Belt of this state who support liquor control feel that such advertising would have an impact on the consumption of alcohol and, therefore, I am pleased to urge support for this amendment.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Prior to the roll call, the Chair recognizes the presence on the floor of Senator Salvatore and his temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the amendment?

Senator ROMANELLI. Mr. President, I would ask the maker of the amendment to add my name to the amendment. I would also add support for it. I would ask my colleagues to support it. I have an identical amendment and, therefore, I will not have to offer it if this one passes.

The PRESIDENT. Would the gentleman from Bradford agree to list Senator Romanelli as a cosponsor of the amendment?

Senator MADIGAN. Mr. President, I am pleased to add the gentleman from Allegheny as a cosponsor to my amendment and sincerely appreciate his support.

The PRESIDENT. The Clerk will make notation of the sponsorship.

Senator ROMANELLI. Mr. President, I, too, feel that if we are ever going to put these Beer Worlds of Pennsylvania out of existence, the ones that are wrecking our small distributors, this is the way to do it; curb their advertising.

Senator MELLOW. Mr. President, I find myself in the very uncomfortable position of having to take a position against a Member of my own caucus, he being the gentleman from Allegheny, Senator Romanelli, who has just actively stated his support for the amendment. I think, Mr. President, this is probably one of the most important parts of House Bill No. 1000 that we can deal with today because it basically has a direct dealing with the people's right to know. It has basically little to do with putting anybody out of business or establishing business interest for any particular individual or corporation. What this amendment does, Mr. President, is it perpetuates the system as we have it today with regard to advertising. We add nothing new in the Liquor Code by continuation of advertising or by opposing the amendment that has been offered by the gentleman from Bradford, Senator Madigan.

Mr. President, basically, I do not think there is any reason why we should deny the consuming public—the consumer who is not sitting in this room today—the opportunity to be able to pick up a newspaper and be able to read what serves their best interest with regard to the purchasing of spirits, liquor or beer because of advertising. I think when you talk about consumer interest, when you talk about credit card purchasing and you talk about advertising, you basically hit the two strong points of this particular proposal. I would very strongly oppose the amendment that has been offered by the gentleman from Bradford, Senator Madigan, with support of the gentleman from Mercer, Senator Wilt, and the gentleman from Allegheny, Senator Romanelli, because by and large what this does is it returns us to the point we were at some twenty months ago before regulations were adopted that made advertising possible in the best interest of the consumer. I do not view this particular amendment, Mr. President, or the prohibition of advertising, as a way of putting any particular group out of business, because I would be totally opposed to putting anybody out of business who is running a legitimate operation in Pennsylvania for a profit. I would want to keep them in business. I think, Mr. President, by us going ahead and accepting this particular amendment, we do go a long way in telling the consumers in Pennsylvania that we do not think it is important for them to know what the competitive price is in their purchases and we do not think it is important for them to know where, in fact, they might be able to purchase something at a lower price. In this day and age I see absolutely no useful purpose in accepting this amendment and I would request a negative vote on the amendment.

Senator BELL. Mr. President, I support this amendment very, very strongly because in my district out-of-state firms advertise “Come across the border and buy your booze. It is a lot cheaper.” I know that does not happen in the district of the gentleman from Philadelphia, Senator Fumo, which is right adjacent to mine, because his people do not go to New Jersey over those two bridges and buy their booze. But, down our way, I do not want any more of my people—and I think he called them smugglers, chiselers, criminals and every other thing, and, in fact, he said one lady may have been a prostitute, I did not know how the hell that would come in, and I do not think we should encourage criminal activity. I want my people to be lily pure, just like Senator Fumo’s people.

Senator ROMANELLI. Mr. President, it is a proven fact that every time one of the Beer Worlds of this Commonwealth opens up and starts their pattern of advertising, there are eight or ten small I.D.’s that go out of business. With every one of them we probably lose four or five more jobs. I know that is the case in western Pennsylvania. It may not be the case in the northeast tier, but it is the case in western Pennsylvania. I would urge an affirmative vote here.

Senator HESS. Mr. President, I think we all in this Body understand the controversy over this particular issue. As I understand the current federal requirements regarding the advertising of tobacco products, in particular cigarettes, whether it be the price or the name brand or any other type of

advertising affecting cigarettes and—this is my understanding—any type of advertising that mentions the brand name. I have a pack of Winston 100 Lights here which says that smoking by pregnant women may result in fetal injury, premature birth and low birth weight. As I read the bill now before us, no warning is stipulated regarding the advertising of pricing of alcohol or spirits or malt beverages. Until I see that in the bill, I am going to support the amendment. I do not think we should have one rule for our tobacco farmers and another rule for our liquor producers.

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I request a Capitol leave for Senator Williams who was just called from the floor.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Williams. Is there an objection? The Chair hears none. The leave will be granted.

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

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

Senator MELLOW. Mr. President, I would like to change the vote of Senator Andrezeski from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

POINT OF ORDER

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

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

Senator PECORA. Mr. President, has every absentee Senator from this floor given instructions on how to vote on each amendment?

The PRESIDENT. The Chair would presume so.

Senator PECORA. Mr. President, I am not asking for a presumption. I am asking a question, Mr. President. I would like verification of it.

The PRESIDENT. The Chair would suggest to the gentleman that he might direct that inquiry to the leaders on both sides.

Senator PECORA. Mr. President, under the point of order, do I have the authority to look at the instructions?

The PRESIDENT. The Chair would have no knowledge of that particular situation. The Chair would also remind the gentleman that with our system of temporary Capitol leaves, the instructions need not be in writing.

Senator LOEPER. May we be at ease, Mr. President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator PECORA. Mr. President, referring to the point of order, it seems there have been some rules or some agreement on the procedure of voting. Even though I do not agree with it, it was accepted and we are following those rules. But, it gives me a bad impression when an absentee Senator votes “aye” or “nay” and then after the votes are counted it is changed.

The PRESIDENT. The Chair would remind the gentleman that his point of order has been stated and that we are in the

middle of a roll call. Further remarks would be properly addressed under Petitions and Remonstrances.

PARLIAMENTARY INQUIRY

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

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

Senator MELLOW. Mr. President, when would it be appropriate for me to share with the Chair the orders that were given to me to vote on amendments? Is that an appropriate time, before the roll call is announced?

The PRESIDENT. No, that is not the appropriate time, Senator. The appropriate time would be after the announcement of the roll call.

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

YEAS—24

Armstrong	Hess	Pecora	Shumaker
Bell	Holl	Peterson	Stewart
Bodack	Hopper	Romanelli	Wenger
Brightbill	Jones	Ross	Williams
Hankins	Lincoln	Salvatore	Wilt
Helfrick	Madigan	Shaffer	Zemprelli

NAYS—25

Afflerbach	Jubelirer	Mellow	Rhoades
Andrezeski	Kelley	Moore	Rocks
Corman	Lemmond	Musto	Stapleton
Fisher	Lewis	O'Pake	Stauffer
Fumo	Loeper	Regoli	Stout
Greenleaf	Lynch	Reibman	Tilghman
Greenwood			

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

And the question recurring,

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

Senator MELLOW. Mr. President, I guess you should never make assumptions, but I would assume that the individual was directing the question as to why I changed the vote of the gentleman from Erie, Senator Andrezeski, on the amendment that was offered by the gentleman from Bradford, Senator Madigan. The instructions that were given to me by Senator Andrezeski in his writing is to be recorded as voting "no" on the amendment. A copy of the record is here at the desk if anyone would like to inspect it.

RECONSIDERATION OF MADIGAN AMENDMENT

Senator MADIGAN. Mr. President, I would like to move for a reconsideration of the amendment.

The PRESIDENT. Senator Madigan moves that the vote by which the previous amendment failed passage be reconsidered.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the amendment?

(During the calling of the roll, the following occurred:) Senator LOEPER. 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 MADIGAN and were as follows, viz:

YEAS—26

Armstrong	Hopper	Pecora	Shumaker
Bell	Jones	Peterson	Stewart
Bodack	Lemmond	Romanelli	Wenger
Brightbill	Lincoln	Ross	Williams
Hankins	Loeper	Salvatore	Wilt
Hess	Madigan	Shaffer	Zemprelli
Holl	Moore		

NAYS—23

Afflerbach	Greenwood	Mellow	Rocks
Andrezeski	Helfrick	Musto	Stapleton
Corman	Jubelirer	O'Pake	Stauffer
Fisher	Kelley	Regoli	Stout
Fumo	Lewis	Reibman	Tilghman
Greenleaf	Lynch	Rhoades	

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

And the question recurring,

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

ROMANELLI AMENDMENT

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

Amend Sec. 14 (Sec. 215), page 42, line 23, by inserting after "ESTABLISHMENTS": : Provided, however, That in no instance shall such a wine specialty store be located in a retail establishment, whose principal business is the sale of food or food products

On the question,

Will the Senate agree to the amendment?

Senator ROMANELLI. Mr. President, this amendment simply states that no wine shall be sold in stores that are primarily food stores.

Senator LOEPER. Mr. President, it is my understanding that House Bill No. 1000 was amended in committee. That amendment included a provision which would allow the State Liquor Control Board to establish locations for the dispensing of wine in specialty stores within any retail establishment. Therefore, I would oppose the amendment of the gentleman from Allegheny, Senator Romanelli.

LEGISLATIVE LEAVES CANCELLED

Senator MELLOW. Mr. President, first, I would like to have the record reflect the fact that Senator Ross is back on the floor and should be taken off Capitol leave.

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Zemprelli, Senator Andrezeski and Senator Ross and their temporary Capitol leaves will be cancelled.

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

Senator ROMANELLI. Mr. President, this amendment states that in no instance shall such a wine specialty store be located in a retail establishment whose principal business is the distribution of food.

Senator MELLOW. Mr. President, I rise to oppose the amendment. This was also an amendment, Mr. President, of much debate and discussion in committee. When the original amendment was proposed in committee, there was a stipulation that, in addition to retail outlets, which is now named in the bill, food stores were also named in the bill. Mr. President, what we did is we have eliminated any indication of food stores in the bill and we have allowed it up to the discretion of the commission or the board at that particular time to come up with the determination as to what a retail outlet may be.

I believe, Mr. President, we should allow the discretion with the board to make their determination as to what a retail outlet would be, and I do not believe we should specifically eliminate any particular group from that designation. I would ask for a negative vote.

Senator PECORA. Mr. President, I desire to interrogate the gentleman from Lackawanna, Senator Mellow, on this amendment.

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

Senator MELLOW. I will, Mr. President.

Senator PECORA. Mr. President, the gentleman states that the present law gives the authority to the Liquor Control Board. Is that correct? Does the Liquor Control Board have the authority to set the guidelines here or does this amendment set the guidelines?

Senator MELLOW. Mr. President, if the gentleman is asking about the particular bill, House Bill No. 1000, the way it is currently drafted, on page 42 the indication would be that the board would have the authorization to establish guidelines for retail establishments. It is my understanding that if the amendment would go in that is being offered by the gentleman from Allegheny, Senator Romanelli, the board would still establish the guidelines for retail establishments. However, that guideline could not include a food store.

Senator PECORA. Mr. President, in other words, it is already in the legislation not to permit it in a food store and he feels there is no need for this amendment?

Senator MELLOW. No, Mr. President. That is not what I said. What I stated is the way the amendment was originally presented in committee, the words "food store" were included in the amendment. That was taken out in committee and the way the bill currently reads, prior to the amendment offered by the gentleman from Allegheny, Senator Romanelli, is that these locations may include retail establishments. It does not define a retail establishment. That would be up to the discretion of the board at that particular time.

Senator PECORA. Mr. President, then Senator Romanelli's amendment does mandate that it would not be in

a retail establishment whose principal business is the sale of food products. So it is not in, it is at the discretion of the board, and I wanted that clarified so I could vote for the amendment.

Senator ROMANELLI. Mr. President, if we do not adopt this amendment, it will be opening the door for alcoholic beverages to be sold in food stores.

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

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

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

The PRESIDENT. The gentleman will be so recorded.
The Senate will be at ease.

(The Senate was at ease.)

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—24

Armstrong	Helfrick	Pecora	Shaffer
Bell	Hess	Peterson	Shumaker
Bodack	Hopper	Rhoades	Stewart
Brightbill	Jones	Romanelli	Wenger
Corman	Madigan	Ross	Williams
Fumo	Moore	Salvatore	Wilt

NAYS—25

Afflerbach	Jubelirer	Lynch	Rocks
Andrezeski	Kelley	Mellow	Stapleton
Fisher	Lemmond	Musto	Stauffer
Greenleaf	Lewis	O'Pake	Stout
Greenwood	Lincoln	Regoli	Tilghman
Hankins	Loeper	Reibman	Zemprelli
Holl			

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

And the question recurring,

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

PECORA AMENDMENT II

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

Amend Sec. 14 (Sec. 215), page 42, lines 6 through 30; page 43, lines 1 through 6, by striking out all of said lines on said pages

On the question,

Will the Senate agree to the amendment?

Senator ROMANELLI. Mr. President, I rise to move for a reconsideration of the Romanelli amendment.

The PRESIDENT. The Chair would advise the gentleman the request is out of order at this time since we are dealing with the Pecora amendment. Immediately after the Pecora amendment we will entertain that motion.

Senator PECORA. Mr. President, this amendment eliminates the provision which creates the Bureau of Wine. Included in this section is the provision which requires the board to establish 5 percent of all State Stores within a metropolitan area as wine specialty stores. I contend that the board currently has the authority to establish specialty stores like the one on Market Street in Harrisburg. Why must another bureau be created, especially at the expense of the taxpayers of this Commonwealth?

Senator MELLOW. Mr. President, we would request a "no" vote on the amendment.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—10

Bell	Hess	Pecora	Salvatore
Brightbill	Hopper	Rhoades	Shumaker
Corman	Madigan		

NAYS—39

Afflerbach	Holl	Moore	Stapleton
Andrezski	Jones	Musto	Stauffer
Armstrong	Jubelirer	O'Pake	Stewart
Bodack	Kelley	Peterson	Stout
Fisher	Lemmond	Regoli	Tilghman
Fumo	Lewis	Reibman	Wenger
Greenleaf	Lincoln	Rocks	Williams
Greenwood	Loeper	Romanelli	Wilt
Hankins	Lynch	Ross	Zemprelli
Helfrick	Mellow	Shaffer	

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

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

RECONSIDERATION OF ROMANELLI AMENDMENT

Senator ROMANELLI. Mr. President, I move that we reconsider the vote on the Romanelli amendment.

The PRESIDENT. Senator Romanelli moves that the vote by which his amendment failed passage be reconsidered.

The motion was agreed to.

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

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

YEAS—24

Armstrong	Helfrick	Moore	Shaffer
Bell	Hess	Pecora	Shumaker
Bodack	Hopper	Rhoades	Stewart
Brightbill	Jones	Romanelli	Wenger
Corman	Lemmond	Ross	Williams
Fumo	Madigan	Salvatore	Wilt

NAYS—25

Afflerbach	Jubelirer	Mellow	Rocks
Andrezski	Kelley	Musto	Stapleton
Fisher	Lewis	O'Pake	Stauffer
Greenleaf	Lincoln	Peterson	Stout
Greenwood	Loeper	Regoli	Tilghman
Hankins	Lynch	Reibman	Zemprelli
Holl			

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

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

RECONSIDERATION OF SALVATORE AMENDMENT III

Senator SALVATORE. Mr. President, I move to reconsider the vote by which Salvatore amendment III was agreed to.

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

PARLIAMENTARY INQUIRY

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

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

Senator ZEMPRELLI. Mr. President, we previously passed this amendment, and by consultation it was agreed that the language probably could be a little clearer and the purpose here is to have this amendment withdrawn and substitute an amendment that would carry the revised language. Mr. President, based upon that intent, I would ask the Chair the procedure by which that can be accomplished.

The PRESIDENT. The Chair would advise that the gentleman has embarked upon the proper procedure. We will hold a vote to reconsider the amendment. Presumably, the amendment will then be withdrawn.

Senator SALVATORE. Mr. President, then I will withdraw it.

The PRESIDENT. That is correct. The gentleman from Philadelphia, Senator Salvatore, moves that the vote by which his amendment passed be reconsidered.

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

The motion was agreed to.

And the question recurring,

Will the Senate agree to the amendment?

SALVATORE AMENDMENT III WITHDRAWN

Senator SALVATORE. Mr. President, I would like to withdraw my amendment.

The PRESIDENT. Senator Salvatore withdraws his amendment.

And the question recurring,

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

SALVATORE AMENDMENT VI

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

Amend Title, page 1, line 25, by inserting after "licenses," for brand registration,

Amend Sec. 58.1, page 130, line 3, by striking out "a section" and inserting: sections

Amend Sec. 58.1, page 130, by inserting between lines 6 and 7:

Section 444.1. Brand Registration.—No brand or brands of malt or brewed beverages shall be offered, sold or delivered to any trade buyer within this Commonwealth unless the manufacturer thereof shall first submit an application in the form and manner prescribed by the board for the registration of the said brand or brands of malt beverages together with an annual filing fee not to exceed twenty five dollars (\$25) for each brand registration requested. In the event an out of State or foreign manufacturer of malt or brewed beverages has granted franchise rights to any person for the sale and distribution of its brand products, such person shall nevertheless be required to register the involved brand before offering the same for sale in Pennsylvania. It is further conditioned that the person holding such franchise rights shall, together with its application for brand registration, file with the board copies of all agreements between it and the Pennsylvania importing distributor appointed by such person to sell and distribute the brands of malt or brewed beverages as provided by sections 431 and 492. Such agreement shall contain the manufacturer's consent and approval to the appointment of the Pennsylvania importing distributor and the rights conferred thereunder.

On the question,

Will the Senate agree to the amendment?

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

YEAS—49

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

NAYS—0

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

And the question recurring,

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

HANKINS AMENDMENT

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

Amend Sec. 18 (Sec. 304), page 45, line 16, by inserting after "days," including legal holidays at the discretion of the board,

Amend Sec. 18 (Sec. 304), page 45, line 16, by inserting brackets before and after "legal holidays or"

On the question,

Will the Senate agree to the amendment?

Senator HANKINS. Mr. President, this amendment would permit liquor sales on legal holidays at the board's discretion. Increased revenues from operating the stores on holidays would more than offset any costs associated with such an operation on holidays in the Commonwealth of Pennsylvania. Presently, we are hard hit by having no place to purchase such alcoholic beverages on those days, and we find ourselves in positions and we force people to go across state lines and purchase such items and go out for entertainment in other states. In New Jersey the state permits liquor sales all year long from 9:00 a.m. to 10:00 p.m., subject to local ordinances. Atlantic City, for instance, permits stores to be open seven days a week all year long. To permit alcoholic beverage stores to be open on holidays would be a convenience to the consumer and a boon to the state revenues. With this amendment, the stores will still be closed on election days, on Sundays and on other holidays which the board decides such as Christmas and New Years. I urge the support of this amendment to House Bill No. 1000. There would be sufficient revenues that would be made from having the opportunity to purchase items on those days to offset any additional costs that might exist.

Senator BRIGHTBILL. Mr. President, I desire to inter-rogate the gentleman from Philadelphia, Senator Hankins.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Hankins, permit himself to be interrogated?

Senator HANKINS. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, would this amendment permit the Liquor Control Board to permit sales on election day?

Senator HANKINS. No, Mr. President, this would not. On Primary or General Election days they would be closed.

Senator BRIGHTBILL. Mr. President, what language in the amendment prohibits election days?

Senator HANKINS. Mr. President, well, it is in the bill because presently the bill says no sales on those particular days.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—21

Afflerbach	Hankins	Mellow	Stewart
Andrezeski	Kelley	Musto	Stout
Bodack	Lewis	O'Pake	Tilghman
Fumo	Lincoln	Regoli	Williams
Greenleaf	Lynch	Rocks	Zemprelli
Greenwood			

NAYS—28

Armstrong	Holl	Moore	Salvatore
Bell	Hopper	Pecora	Shaffer
Brightbill	Jones	Peterson	Shumaker
Corman	Jubelirer	Reibman	Stapleton
Fisher	Lemmond	Rhoades	Stauffer
Helfrick	Loeper	Romanelli	Wenger
Hess	Madigan	Ross	Wilt

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

And the question recurring,

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

MELLOW AMENDMENT I

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

Amend Sec. 8 (Sec. 201), page 23, lines 6 through 9, by striking out "thirty-five" in line 6, all of lines 7 through 9 and inserting: forty thousand dollars (\$40,000), except the chairman, who shall receive an annual salary of forty-two thousand dollars (\$42,000).

Amend Sec. 9 (Sec. 202), page 23, lines 27 and 28, by striking out all of said lines and inserting:

(c) Commission members shall devote full time to their official duties. No commission member shall hold any office or position the duties of which are incompatible with his commission duties.

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, very simply stated, what this amendment calls for is a commission, and they must devote full time to their official duties as being a member of the commission. It also establishes their salary at a rate of \$42,000 for the chairman of the commission and \$40,000 for the other two commission members. I believe it is an agreed-to amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

MELLOW AMENDMENT II

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

Amend Sec. 8 (Sec. 201), page 22, lines 1 through 26, by striking out "THE APPOINTMENT OF A MEMBER NOT" in line 1, all of lines 2 through 25 and "REMAINDER OF THE UNEXPIRED TERM." in line 26

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, what this amendment basically would do, recognizing on the part of both interests who are being represented on the floor, the philosophical difference of both parties, is it would call for a two-thirds confirmation vote of a commission member and it would also guarantee by statute the appointment of a minority member, meaning that no more than two members from the same political party can be appointed, which basically would guarantee the appointment of a minority member along with two-thirds confirmation. I, once again, Mr. President, believe this amendment has been agreed to.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

PECORA AMENDMENT III

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

Amend Bill, page 1, lines 1 through 28; pages 2 through 8, lines 1 through 30; page 9, lines 1 through 28, by striking out all of said lines on said pages and inserting:

Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," reestablishing the existence of the Pennsylvania Liquor Control Board which has been scheduled for termination under the Sunset Act.

Amend Bill, pages 10 through 276, lines 1 through 30; page 277, lines 1 through 7, by striking out all of said lines on said pages and inserting:

Section 1. Section 201 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended November 23, 1976 (P.L.1123, No.235), is reenacted to read:

Section 201. Appointment of Members; Terms; Salaries.—An independent administrative board to be known as the "Pennsylvania Liquor Control Board" is hereby created. The board shall consist of three members to be appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. Of the original members, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years from the date of his appointment and until his successor shall have been appointed and qualified. Thereafter, all appointments shall be for terms of six years or until successors are appointed and qualified. Each of the

members shall receive an annual salary of twenty-four thousand dollars (\$24,000), except the chairman, who shall receive an annual salary of twenty-five thousand dollars (\$25,000).

Section 2. Sections 202, 203, 204, 205 and 206 of the act are reenacted to read:

Section 202. Qualifications of Members.—Each member of the board at the time of his appointment and qualification shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment, and shall be not less than thirty years of age.

No member of the board during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States.

Section 203. Chairman of Board.—The board shall elect one of its members as chairmen. The chairman shall, when present, preside at all meetings, and in his absence a member designated by the chairman shall preside.

Two members of the board shall constitute a quorum, and any action or order of the board shall require the approval of at least two members.

Section 204. Secretary of Board.—The board may appoint a secretary to hold office at its pleasure. The secretary, if appointed, shall have such powers and shall perform such duties not contrary to law as the board shall prescribe, and shall receive such compensation as the board, with the approval of the Governor, shall determine. The secretary shall have power and authority to designate, from time to time, one of the clerks appointed by the board to perform the duties of the secretary during his absence and the clerk so appointed shall exercise, for the time so designated, the powers of the secretary of the board.

Section 205. Bonds Required of Members and Secretary.—Before entering upon the duties of their respective offices or positions, each member of the board and the secretary shall execute and file with the State Treasurer a bond in such penal sum as shall be fixed by the Executive Board of this Commonwealth upon recommendation of the Governor, but the amount of any such bond shall not be less than ten thousand dollars (\$10,000). Bonds in such penal sums as shall be fixed by the Executive Board likewise shall be executed and filed with the State Treasurer by such employes of the Pennsylvania Liquor Control Board as the head of such board shall, with the approval of the Executive Board, prescribe. Such bonds shall be payable to the Commonwealth of Pennsylvania and shall be conditioned for the faithful performance of the members', secretary's or employes' duties imposed by law or by lawful authority and that the person bonded will not knowingly violate the provisions of this act. All bonds required to be given under this section shall, before being accepted by the State Treasurer, be approved by the Department of Justice, and unless the Commonwealth shall establish its own indemnity fund, all such bonds shall be given with security approved by the Department of Justice. If the Commonwealth shall establish its own indemnity fund, the Executive Board may, nevertheless, require any bond given hereunder to be executed by a surety or sureties satisfactory to the Department of Justice. The cost of such bonds required to be executed by a surety or sureties shall be borne by the board as part of its operating expense.

Section 206. Board Subject to Administrative Code.—Except as otherwise expressly provided by law, the board shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine, as amended, which apply generally to independent administrative boards and commissions.

Section 3. Section 207 of the act, amended or added May 25, 1956 (1955 P.L.1743, No.583), January 13, 1966 (1965 P.L.1301, No.518), June 17, 1971 (P.L.180, No.22) and July 27, 1973 (P.L.247, No.70), is reenacted to read:

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

(a) To buy, import or have in its possession for sale, and sell liquor and alcohol in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the State Treasurer, or his designated deputy.

(b) To control the manufacture, possession, sale, consumption, importation, use, storage, transportation and delivery of liquor, alcohol and malt or brewed beverages in accordance with the provisions of this act, and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania Liquor Stores: Provided, That in fixing the sale prices, the board shall not give any preference or make any discrimination as to classes, brands or otherwise, except to the extent and for the length of time necessary to sell such classes or brands in compliance with any Federal action freezing or otherwise controlling the price of said classes or brands, or except where special sales are deemed necessary to move unsaleable merchandise, or except where the addition of a service or handling charge to the fixed sales price of any merchandise in the same comparable price bracket, regardless of class, brand or otherwise, is, in the opinion of the board, required for the efficient operation of the State store system. The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors, other than wine, selling such liquors to the board, which are not manufactured in this Commonwealth, to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer. Each such manufacturer shall pay for such permit a fee which, in the case of a manufacturer of this Commonwealth, shall be equal to that required to be paid, if any, by a manufacturer or wholesaler of the state, territory or country of origin of the liquors, for selling liquors manufactured in Pennsylvania, and in the case of a nonresident manufacturer, shall be equal to that required to be paid, if any, in such state, territory or country by Pennsylvania manufacturers doing business in such state, territory or country. In the event that any such manufacturer shall, in the opinion of the board, sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits, the board shall require such person, before purchasing liquors from him or it, to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the State Stores Fund. The board shall not purchase any alcohol or liquor fermented, distilled, rectified, compounded or bottled in any state, territory or country, the laws of which result in prohibiting the importation therein of alcohol or liquor, fermented, distilled, rectified, compounded or bottled in Pennsylvania.

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities.

(d) To grant, issue, suspend and revoke all licenses and permits authorized to be issued under this act and the regulations of the board and impose fines on licensees licensed under this act.

(e) Through the Department of Property and Supplies as agent, to lease and furnish and equip such buildings, rooms and other accommodations as shall be required for the operation of this act.

(f) To appoint, fix the compensation and define the powers and duties of such managers, officers, inspectors, examiners, clerks and other employes as shall be required for the operation of this act, subject to the provisions of The Administrative Code of 1929 and the Civil Service Act.

(g) To determine the nature, form and capacity of all packages and original containers to be used for containing liquor, alcohol or malt or brewed beverages.

(h) Without in any way limiting or being limited by the foregoing, to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder.

(i) From time to time, to make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act. The board shall cause such regulations to be published and disseminated throughout the Commonwealth in such manner as it shall deem necessary and advisable or as may be provided by law. Such regulations adopted by the board shall have the same force as if they formed a part of this act.

(j) To investigate, whenever any person complains, or when the board is aware that there is reasonable grounds to believe liquor or malt or brewed beverage is being sold on premises not licensed under the provisions of this act. If the investigation produces evidence of the unlawful sale of liquor or malt or brewed beverage or of any other violation of the provisions of this act, the board shall cause the prosecution of the person or persons believed to have been criminally liable for the unlawful acts. Any equipment or appurtenances actually used in the commission of the unlawful acts may be confiscated upon direction of the board. The confiscation by or under the direction of the board shall not, in any manner, divest or impair the rights or interest of any bona fide lien holder in the equipment or appurtenances, who had no knowledge that the same was being used in violation of this act.

Section 4. Section 208 of the act, amended July 22, 1970 (P.L.539, No.182) and October 11, 1972 (P.L.906, No.215), is reenacted to read:

Section 208. Specific Subjects on Which Board May Adopt Regulations.—Subject to the provisions of this act and without limiting the general power conferred by the preceding section, the board may make regulations regarding:

(a) The equipment and management of Pennsylvania Liquor Stores and warehouses in which liquor and alcohol are kept or sold, and the books and records to be kept therein.

(b) The duties and conduct of the officers and employes of the board.

(c) The purchase, as provided in this act, of liquor and alcohol, and its supply to Pennsylvania Liquor Stores.

(d) The classes, varieties and brands of liquor and alcohol to be kept and sold in Pennsylvania Liquor Stores. In making this determination the board shall meet not less than twice a year.

(e) The issuing and distribution of price lists for the various classes, varieties or brands of liquor and alcohol kept for sale by the board under this act.

(f) The labeling of liquor and alcohol sold under this act and of liquor and alcohol lawfully acquired by any person prior to January first, one thousand nine hundred thirty-four.

(g) Forms to be used for the purposes of this act.

(h) The issuance of licenses and permits and the conduct, management, sanitation and equipment of places licensed or included in permits.

(i) The place and manner of depositing the receipts of Pennsylvania Liquor Stores and the transmission of balances to the Treasury Department through the Department of Revenue.

(j) The solicitation by resident or nonresident vendors of liquor from Pennsylvania licensees and other persons of orders for liquor to be sold through the Pennsylvania Liquor Stores and, in the case of nonresident vendors, the collection therefrom of license fees for such privilege at the same rate as provided herein for importers' licenses.

Section 5. Section 209 of the act, amended July 31, 1968 (P.L.799, No.243), is reenacted to read:

Section 209. Officers and Investigators of the Board to be Peace Officers; Powers.—Such employes of the board as are designated "enforcement officers" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view, except in private homes, without warrant, any person actually engaged in the unlawful sale, importation, manufacture or transportation, or having unlawful possession of liquor, alcohol or malt or brewed beverages, contrary to the provisions of this act or

any other law of this Commonwealth. Such officers and investigators shall have power and authority, upon reasonable and probable cause, to search for and to seize without warrant or process, except in private homes, any liquor, alcohol and malt or brewed beverages unlawfully possessed, manufactured, sold, imported or transported, and any stills, equipment, materials, utensils, vehicles, boats, vessels, animals, aircraft, or any of them, which are or have been used in the unlawful manufacture, sale, importation or transportation of the same. Such liquor, alcohol, malt or brewed beverages, stills, equipment, materials, utensils, vehicles, boats, vessels, animals or aircraft so seized shall be disposed of as hereinafter provided.

Enforcement officers or investigators may be retired upon reaching age sixty-five.

Section 6. Section 210 of the act is reenacted to read:

Section 210. Restrictions on Members of the Board and Employes of Commonwealth.—(a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor, alcohol, or malt or brewed beverages, whether as owner, part owner, partner, member of syndicate, shareholder, agent or employe, and whether for his own benefit or in a fiduciary capacity for some other person.

(b) No member or employe of the board nor any employe of the Commonwealth shall solicit or receive, directly or indirectly, any commission, remuneration or gift whatsoever, from any person having sold, selling or offering liquor or alcohol for sale to the board for use in Pennsylvania Liquor Stores.

Section 7. This act, with respect to the Pennsylvania Liquor Control Board, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 8. The members of the Pennsylvania Liquor Control Board on the effective date of this act shall continue to serve as members of the board until their present terms of office expire.

Section 9. Each rule and regulation of the Pennsylvania Liquor Control Board in effect on December 31, 1986, shall remain in effect until amended or repealed by the board.

Section 10. Sections 7, 8 and 9 of this act shall be retroactive to December 31, 1986.

Section 11. This act shall expire December 31, 1996.

Section 12. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator PECORA. Mr. President, the amendment guts House Bill No. 1000 and puts back the present system that we have into effect. The reason I am introducing this amendment is because House Bill No. 1000, with the agreements and many of the amendments in this legislation, has only created a larger bureaucracy. It has created pay increases for members, such as in the present bill which is being discussed, where the board goes from \$25,000 to \$40,000 in pay increases. The administrative law judges' pay will be increased to \$50,000 a year. We use the false impression of full-time employment. Mr. President, when we refer to full-time employment, that means they do not hold any other position that is in conflict with the position they hold, such as a Public Utility Commission member. They are considered full-time and receive these lucrative salaries, but can still practice law, can still be in business and still have another job as long as it does not conflict. We give the false impression that we are going to have full-time people working there forty hours a week with no other jobs.

Another thing, Mr. President, another reason why I have introduced this amendment is we have made no major reforms. We have set up backdoor procedures for wines to be sold and other alcoholic beverages. We have made it more available with no assurance or guarantee that it will not be abused by people in this Commonwealth. We have not set a good example for this Commonwealth with the changes in House Bill No. 1000. The more we do, the more we make our previous Senators who set up the present system look like they have more intelligence than we do, Mr. President.

Another example, Mr. President, is that we are pushing this control of the enforcement over to the Commonwealth State Police and saying they will put three people in charge to see that the enforcement is responsible, honest and dedicated to the best interest of our constituents in this Commonwealth. Mr. President, they stated by a letter they do not want that responsibility. They are not in a position to accept that responsibility. Under the present law of House Bill No. 1000 it only is trying to take some of the pressure off the present enforcement board that was created by this Body and by reporting done in our newspapers across this Commonwealth. Mr. President, that is the reason I introduced this amendment to keep the same system, because the more we dillydally, the more we make it look more responsible to our constituents. Mr. President, I would request a roll call.

Senator MELLOW. Mr. President, it is obvious that we would request a negative vote on the amendment.

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

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

Senator MELLOW. Mr. President, I would like to change the vote of Senator Kelley from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—2

Kelley	Pecora
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NAYS—47

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

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

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

RECONSIDERATION OF MELLOW AMENDMENT I

Senator GREENLEAF. Mr. President, I move to reconsider the vote by which the amendment offered by Senator Mellow was agreed to.

The motion was agreed to.

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

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

YEAS—47

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

NAYS—2

Greenleaf	Pecora
-----------	--------

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

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

Senator LOEPER. Mr. President, I move that House Bill No. 1000, as amended, be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. House Bill No. 1000, as amended, will be rereferred to the Committee on Appropriations.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator ARMSTRONG, from the Committee on Finance, reported the following bill:

HB 719 (Pr. No. 1212)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," requiring school districts to provide copies of certain tax lists to certain municipalities.

Senator CORMAN, from the Committee on Transportation, reported the following bill:

SB 516 (Pr. No. 1134) (Amended)

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," further defining certain transit entities; requiring one-third local or private funding matches for State grants, with certain exceptions; requiring the adoption of service standards and performance evaluation measures; removing certain limita-

tions in State grants; and further providing for annual appropriations and new formulas for distribution of the appropriations to transportation organizations and companies.

DISCHARGE PETITIONS

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Gladys McMillan as a member of the Adams County Board of Assistance.

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 Gladys McMillan, as a member of the Adams County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Shirley Beer as a member of the Armstrong County Board of Assistance.

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 Shirley Beer, as a member of the Armstrong County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Raymond J. Borkoski as a member of the Armstrong County Board of Assistance.

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 Raymond J. Borkoski, as a member of the Armstrong County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Linda H. Cornman as a member of the Armstrong County Board of Assistance.

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 Linda H. Cornman, as a member of the Armstrong County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Joseph Zagorski as a member of the Beaver County Board of Assistance.

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 Joseph Zagorski, as a member of the Beaver County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Monsignor John S. Campbell as a member of the Berks County Board of Assistance.

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 Monsignor John S. Campbell, as a member of the Berks County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Joseph J. Rotell as a member of the Berks County Board of Assistance.

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 Joseph J. Rotell, as a member of the Berks County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Marlene Z. Alexander as a member of the Bucks County Board of Assistance.

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 Marlene Z. Alexander, as a member of the Bucks County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Shirley Hart as a member of the Bucks County Board of Assistance.

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 Shirley Hart, as a member of the Bucks County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Alvin Rubenstein as a member of the Bucks County Board of Assistance.

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 Alvin Rubenstein, as a member of the Bucks County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Marjorie Ajay as a member of the Cambria County Board of Assistance.

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 Marjorie Ajay, as a member of the Cambria County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Mildred Buchan as a member of the Cambria County Board of Assistance.

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 Mildred Buchan, as a member of the Cambria County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Dolores A. Porcher as a member of the Cambria County Board of Assistance.

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 Dolores A. Porcher, as a member of the Cambria County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Edna M. Dunbar as a member of the Cameron County Board of Assistance.

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 Edna M. Dunbar, as a member of the Cameron County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Delores Huszar as a member of the Carbon County Board of Assistance.

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 Delores Huszar, as a member of the Carbon County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Joseph E. Sniscak as a member of the Carbon County Board of Assistance.

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 Joseph E. Sniscak, as a member of the Carbon County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of William Sniscak as a member of the Carbon County Board of Assistance.

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 William Sniscak, as a member of the Carbon County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Paul Edder as a member of the Clarion County Board of Assistance.

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 Paul Edder, as a member of the Clarion County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Ralph J. Palmiero as a member of the Columbia County Board of Assistance.

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 Ralph J. Palmiero, as a member of the Columbia County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Michael J. Stenko as a member of the Columbia County Board of Assistance.

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 Michael J. Stenko, as a member of the Columbia County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of John W. Bucher as a member of the Cumberland County Board of Assistance.

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 John W. Bucher, as a member of the Cumberland County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Ruth Craig as a member of the Delaware County Board of Assistance.

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 Ruth Craig, as a member of the Delaware County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Ronald Feinstein, Ph.D., as a member of the Delaware County Board of Assistance.

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 Ronald Feinstein, Ph.D., as a member of the Delaware County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Joyce Kane as a member of the Delaware County Board of Assistance.

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 Joyce Kane, as a member of the Delaware County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of June Robbins as a member of the Delaware County Board of Assistance.

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 June Robbins, as a member of the Delaware County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of June Yetzer as a member of the Elk County Board of Assistance.

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 June Yetzer, as a member of the Elk County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of John T. Nesbit as a member of the Erie County Board of Assistance.

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 John T. Nesbit, as a member of the Erie County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Maureen Cook as a member of the Fayette County Board of Assistance.

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 Maureen Cook, as a member of the Fayette County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Rodney Daum as a member of the Forest County Board of Assistance.

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 Rodney Daum, as a member of the Forest County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Dorothy Davis as a member of the Forest County Board of Assistance.

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 Dorothy Davis, as a member of the Forest County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Sharon Reiland as a member of the Forest County Board of Assistance.

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 Sharon Reiland, as a member of the Forest County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Frank H. Bender as a member of the Franklin County Board of Assistance.

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 Frank H. Bender, as a member of the Franklin County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Paul Dittman as a member of the Franklin County Board of Assistance.

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 Paul Dittman, as a member of the Franklin County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Mary C. Spanogle as a member of the Franklin County Board of Assistance.

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 C. Spanogle, as a member of the Franklin County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Janie W. Crouse as a member of the Fulton County Board of Assistance.

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 Janie W. Crouse, as a member of the Fulton County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Raymond McCracken as a member of the Greene County Board of Assistance.

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 Raymond McCracken, as a member of the Greene County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of William P. Thomas, Jr., Esquire, as a member of the Greene County Board of Assistance.

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 William P. Thomas, Jr., Esquire, as a member of the Greene County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Father Daniel Valentine as a member of the Greene County Board of Assistance.

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 Father Daniel Valentine, as a member of the Greene County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Roy T. Burdge as a member of the Huntingdon County Board of Assistance.

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 Roy T. Burdge, as a member of the Huntingdon County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Darlene J. Bigler as a member of the Indiana County Board of Assistance.

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 Darlene J. Bigler, as a member of the Indiana County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Jay Y. Rubin as a member of the Indiana County Board of Assistance.

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 Jay Y. Rubin, as a member of the Indiana County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Perry F. Dinger as a member of the Jefferson County Board of Assistance.

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 Perry F. Dinger, as a member of the Jefferson County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Sam Zaffuto, Sr., as a member of the Jefferson County Board of Assistance.

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 Sam Zaffuto, Sr., as a member of the Jefferson County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Edwin H. Rohrbeck as a member of the Juniata County Board of Assistance.

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 Edwin H. Rohrbeck, as a member of the Juniata County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Fred Perry as a member of the Lackawanna County Board of Assistance.

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 Fred Perry, as a member of the Lackawanna County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of MacDonald Stacks as a member of the Lancaster County Board of Assistance.

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 MacDonald Stacks, as a member of the Lancaster County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Scott C. Aderhold as a member of the Lycoming County Board of Assistance.

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 Scott C. Aderhold, as a member of the Lycoming County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of John R. Brunette as a member of the Lycoming County Board of Assistance.

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 John R. Brunette, as a member of the Lycoming County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Joy M. Ammerman as a member of the McKean County Board of Assistance.

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 Joy M. Ammerman, as a member of the McKean County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Herbert Pettenati as a member of the McKean County Board of Assistance.

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 Herbert Pettenati, as a member of the McKean County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Gilbert S. Shirey as a member of the Mifflin County Board of Assistance.

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 Gilbert S. Shirey, as a member of the Mifflin County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Helen Cadue as a member of the Monroe County Board of Assistance.

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 Helen Cadue, as a member of the Monroe County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of The Reverend Albert G. Davis, Jr., as a member of the Montgomery County Board of Assistance.

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 The Reverend Albert G. Davis, Jr., as a member of the Montgomery County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Bernice Fried as a member of the Montgomery County Board of Assistance.

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 Bernice Fried, as a member of the Montgomery County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Joel S. Jaspan, D.D.S., as a member of the Montgomery County Board of Assistance.

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 Joel S. Jaspan, D.D.S., as a member of the Montgomery County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Winfield Smith as a member of the Montgomery County Board of Assistance.

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 Winfield Smith, as a member of the Montgomery County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Arnold Snyder as a member of the Montgomery County Board of Assistance.

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 Arnold Snyder, as a member of the Montgomery County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Constance Voynow as a member of the Montgomery County Board of Assistance.

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 Constance Voynow, as a member of the Montgomery County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Michael Rinker as a member of the Northampton County Board of Assistance.

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 Michael Rinker, as a member of the Northampton County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Barbara Murphy as a member of the Philadelphia County Board of Assistance.

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 Barbara Murphy, as a member of the Philadelphia County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Edwin Metzger as a member of the Potter County Board of Assistance.

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 Edwin Metzger, as a member of the Potter County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Patrick J. McGeever as a member of the Schuylkill County Board of Assistance.

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 Patrick J. McGeever, as a member of the Schuylkill County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of T. Jeffrey Cook as a member of the Somerset County Board of Assistance.

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 T. Jeffrey Cook, as a member of the Somerset County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Janet C. Mueller as a member of the Sullivan County Board of Assistance.

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 Janet C. Mueller, as a member of the Sullivan County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Ruth T. States as a member of the Susquehanna County Board of Assistance.

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 Ruth T. States, as a member of the Susquehanna County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Bonita K. Fousnought as a member of the Tioga County Board of Assistance.

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 Bonita K. Fousnought, as a member of the Tioga County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Bertha W. Janeski as a member of the Tioga County Board of Assistance.

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 Bertha W. Janeski, as a member of the Tioga County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Gail A. Ruef as a member of the Tioga County Board of Assistance.

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 Gail A. Ruef, as a member of the Tioga County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Virginia A. Serine as a member of the Tioga County Board of Assistance.

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 Virginia A. Serine, as a member of the Tioga County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Frank A. Fago as a member of the Warren County Board of Assistance.

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 Frank A. Fago, as a member of the Warren County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Paul H. Lemmon as a member of the Washington County Board of Assistance.

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 Paul H. Lemmon, as a member of the Washington County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Margaret L. Rollison as a member of the Washington County Board of Assistance.

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 Margaret L. Rollison, as a member of the Washington County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of John P. Garrah as a member of the Wayne County Board of Assistance.

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 John P. Garrah, as a member of the Wayne County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Joseph E. Sheridan, Jr., as a member of the Wayne County Board of Assistance.

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 Joseph E. Sheridan, Jr., as a member of the Wayne County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Robert A. Billick as a member of the Westmoreland County Board of Assistance.

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 Robert A. Billick, as a member of the Westmoreland County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of John F. Kradel, Esquire, as a member of the Westmoreland County Board of Assistance.

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 John F. Kradel, Esquire, as a member of the Westmoreland County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Catherine E. Ultsh as a member of the Wyoming County Board of Assistance.

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 Catherine E. Ultsh, as a member of the Wyoming County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 17, 1987.

A PETITION

To place before the Senate the nomination of Virginia Hawkins as a member of the York County Board of Assistance.

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 Virginia Hawkins, as a member of the York County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

The PRESIDENT. The communications will be laid on the table.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dr. Robert M. Bastress, Bryan Delsite, Mrs. Emma Jean Knapper, Mr. and Mrs. John McIntyre, Mr. and Mrs. Herbert Albright and to the Danville High School Girls' Track Team by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Harold G. Wescott by Senator Lemmond.

Congratulations of the Senate were extended to Wilbur C. Henderson by Senator Loeper.

Congratulations of the Senate were extended to Warren O. Weaver, Aaron Martin Landis, Fred P. Hartman and to Gerald H. Vanatta by Senator Shumaker.

Congratulations of the Senate were extended to Pamela Croyle, Christine Davis, Jodi L. Stiles, Cindy Ann Brubaker, Christine Mumich, Kimberly Ann Burke, Mary A. Weyandt, Laura Stewart, Kathy Reynolds, Heidimarie Mumich, Christy Lynn Harford and to Jennifer Lee Lentz by Senator Stewart.

Congratulations of the Senate were extended to Daniel J. Sinnott and to Daniel Hilferty by Senator Williams.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 152, 250, 324, 516, 744, 841 and HB 719.

And said bills having been considered for the first time,

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

HOUSE MESSAGES

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 **HB 483**, which was placed on the Calendar.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1075**.

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

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:

Senate Concurrent Resolution No. 83.

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, June 22, 1987, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 4:50 p.m., Eastern Daylight Saving Time.