

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 26, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 68

SENATE

MONDAY, October 26, 1987.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, the Reverend Mr. THEODORE C. YOHE, Pastor of the Colonial Park United Methodist Church, Harrisburg, offered the following prayer:

Let us pray together.

Eternal God, our Father, we do want to thank You for this glorious day on which we perform our labors. You have revealed Your glory in the beauty of this autumn season. Everywhere we look we see evidence of Your creative power and of Your faithfulness to us to whom You have entrusted the care and keeping of Your creation.

We thank You today, Father, for these persons who have been entrusted also with the task of creating and preserving order among the affairs of human relationships. Bless them as they begin this week's work.

We know that You know that the decisions they will make within these walls will affect the lives of many persons. They are faced with difficult decisions, many times dealing with seemingly insolvable problems. We also know that You know that not everyone will be happy with the decisions they make. We also know that You know all things and You alone are the source of all truth.

It is for this reason that we look to You, Father, and ask You to guide this Session with Your truth, that the decisions made here this day will be the best that can be made for the good of the people whom You love so dearly.

Thank You, Father, for hearing this prayer, and we offer it to You in the name of Jesus Christ our Savior and Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Yohe who is the guest this week of Senator Shumaker.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 21, 1987.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

October 21, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Sharon Traino, 2001 Chestnut Avenue, Barnesboro 15714, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Herbert Sherer, Johnstown, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE PLANNING BOARD

October 21, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John W. Ponds, 1040 Oranmore Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Planning Board, to serve until December 31, 1990, and until his successor is appointed and qualified, vice Frederick W. Anton, III, Esq., Saint Davids, resigned.

ROBERT P. CASEY.

MEMBER OF THE CUMBERLAND COUNTY BOARD OF ASSISTANCE

October 21, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James M. Cookerly (Democrat), 624 Fourth Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1987, and until his successor is appointed and qualified, vice Harold Diehl, Jr., Mechanicsburg, resigned.

ROBERT P. CASEY.
MEMBER OF THE FOREST COUNTY
BOARD OF ASSISTANCE

October 21, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Clyde J. Holmes (Democrat), Star Route Two, Tionesta 16353, Forest County, Twenty-fifth Senatorial District, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Janis Lieber, Clarington, resigned.

ROBERT P. CASEY.

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

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

October 23, 1987.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 5, 1987 for the appointment of Patricia A. Pieja, 2 Executive Circle, Reading 19606, Berks County, Eleventh Senatorial District, as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Ardath Rodale, Allentown, resigned.

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

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 21, 1987

HB 90 — Committee on Aging and Youth.

HB 855 and 1718 — Committee on Transportation.

October 26, 1987

HB 1549 — Committee on Local Government.

HB 1682 — Committee on Environmental Resources and Energy.

BILL INTRODUCED AND REFERRED

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

October 21, 1987

Senators WILT, BELL and JUBELIRER presented to the Chair **SB 1133**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, codifying provisions of law relating to the creation, administration and powers and duties of the State Veterans' Commission, to the educational gratuity program for veterans' children and to the real property tax exemption for certain qualified veterans; and making repeals.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, October 21, 1987.

RESOLUTIONS INTRODUCED AND REFERRED

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

October 21, 1987

**DESIGNATING JANUARY 30, FRANKLIN
DELANO ROOSEVELT'S BIRTHDAY, AS
"DAY OF THE DISABLED"**

Senators REIBMAN, JONES, ROMANELLI, STAPLETON, SHUMAKER, PECORA, AFFLERBACH, O'PAKE, KELLEY, HELFRICK, STOUT, FUMO, SALVATORE, and MUSTO offered the following resolution (**Senate Resolution No. 130**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, October 21, 1987.

A RESOLUTION

Designating January 30, Franklin Delano Roosevelt's birthday, as "Day of the Disabled."

WHEREAS, Over one million citizens of this Commonwealth are considered to be physically disabled; and

WHEREAS, Through courage and determination, the physically disabled have conquered seemingly insurmountable obstacles to lead successful lives; and

WHEREAS, The physically disabled demonstrate unique character and perseverance in pursuing and attaining their desired goals; and

WHEREAS, These individuals have made noteworthy contributions to their communities, the Commonwealth and the nation; and

WHEREAS, The physically disabled of the Commonwealth deserve the recognition of this State and its citizens; therefore be it

RESOLVED, That, in honor of the birthday of one of America's most distinguished physically disabled individuals, Franklin Delano Roosevelt, the Senate of the Commonwealth of Pennsylvania designate January 30, 1988, and each January 30 thereafter as "Day of the Disabled," in recognition and in honor of the disabled citizens of Pennsylvania.

**DIRECTING THE JOINT STATE GOVERNMENT
COMMISSION TO CONDUCT AN IN-DEPTH
STUDY ASCERTAINING WAYS BY WHICH THE
NUMBER OF SANITARY LANDFILLS IN
PENNSYLVANIA CAN BE INCREASED TO
MEET THE DEMANDS OF THIS COMMONWEALTH**

Senator BELL offered the following resolution (**Senate Concurrent Resolution No. 131**), which was read and referred to the Committee on Environmental Resources and Energy:

In the Senate, October 21, 1987.

A CONCURRENT RESOLUTION

Directing the Joint State Government Commission to conduct an in-depth study ascertaining ways by which the number of sanitary landfills in Pennsylvania can be increased to meet the demands of this Commonwealth.

WHEREAS, The problem of solid waste disposal has reached new heights; and

WHEREAS, Many communities have reached or are about to reach maximum disposal limitations; and

WHEREAS, Many local governments have been using alternatives to landfills that have raised concerns about the environmental impact of such alternatives; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly direct the Joint State Government Commission to conduct an in-depth study and submit recommendations concerning ways in which the number of sanitary landfills in Pennsylvania can be increased to meet the demands of this Commonwealth; and be it further

RESOLVED, That to accomplish this task, a Task Force be created comprised of three members of the Senate, two from the majority party and one from the minority party, to be appointed by the President pro tempore of the Senate, and three members of the House of Representatives, two from the majority party and one from the minority party, to be appointed by the Speaker of the House of Representatives; and be it further

RESOLVED, That the Task Force may hold hearings, take testimony and make its investigations at such places as it deems necessary in this Commonwealth. Each member of the Task Force shall have power to administer oaths and affirmations to witnesses appearing before it; and be it further

RESOLVED, That the Task Force prepare a report containing its findings and recommendations, and if appropriate, propose necessary corrective legislation, and deliver such report to each house of the General Assembly upon the conclusion of its study.

GENERAL COMMUNICATION

**RESOLUTION OF THE
CALIFORNIA LEGISLATURE**

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

SENATE
CALIFORNIA LEGISLATURE
Sacramento 95814

October 21, 1987

Presiding Officers of
the Legislative Houses

Dear Members:

By direction of the Senate I am transmitting herewith copies of Senate Concurrent Resolution No. 6 which was adopted by both Houses of the California Legislature.

Sincerely,

DARRYL R. WHITE
Secretary of the Senate

Senate Concurrent Resolution No. 6
RESOLUTION CHAPTER 97

Senate Concurrent Resolution No. 6—Relative to the Republic of Korea.

LEGISLATIVE COUNSEL'S DIGEST

SCR 6, Montoya. The Republic of Korea.

This measure would extend to the people of the Republic of Korea an invitation to join the people of California in a friendship and commerce program and to conduct mutually beneficial social, economic, educational, and cultural programs in order to bring our citizens closer together and strengthen international understanding and goodwill.

WHEREAS, The friendship and commerce program in the form of the sister city concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact; and

WHEREAS, All succeeding United States Presidents have endorsed this program conducted for the broad purpose of exchanging ideas between the citizens of this state, the United States, and the people of other nations; and

WHEREAS, The people of the Republic of Korea, like the people of this state and the United States, generally, have overcome great adversity and have built a successful, prosperous, free economy; and

WHEREAS, The Republic of Korea has been one of the most faithful allies of the United States since 1948; and

WHEREAS, Strong commercial ties now exist between the citizens of the Republic of Korea and the citizens of this state; and

WHEREAS, The people-to-people program initiated by President Eisenhower in 1956 and endorsed by President Kennedy in 1961 was designed to bring the people of the world closer together in the interests of peace and prosperity; and

WHEREAS, A friendship and commerce relationship between the Republic of Korea and California is in the best interest of a cooperative and mutually beneficial relationship for the people of the two geo-political entities involved; now, therefore, be it

RESOLVED by the Senate of the State of California, the Assembly thereof concurring, That the Legislature, on behalf of the people of the State of California, extends to the people of the Republic of Korea, an invitation to join California in a friendship and commerce relationship and to conduct mutually beneficial social, economic, educational, and cultural programs in order to bring our citizens closer together and strengthen international understanding and goodwill; and be it further

RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Prime Minister of the Republic of Korea, the Speaker of the National Assembly, the Mayor of Seoul, Republic of Korea, George Deukmejian, Governor of California, each Member of Congress from the State of California and to the

presiding officers of the legislative houses of the other states of the Union.

REPORTS FROM COMMITTEE

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

SB 347 (Pr. No. 1039) (Rereported)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for further additional supplemental annuities.

SB 610 (Pr. No. 1543) (Amended) (Rereported)

An Act providing for the collection and disposal of hazardous waste generated by households and small businesses not covered under Federal law; providing for further duties of the Department of Environmental Resources, for waste collection districts and for collection points.

SB 889 (Pr. No. 1092)

An Act making an appropriation to the Department of Public Welfare for expansion of radio reading services for blind and print-handicapped persons.

SB 1132 (Pr. No. 1512)

An Act making an additional appropriation to the Department of Military Affairs for the operation of the Southeastern Veterans' Home.

LEAVES OF ABSENCE

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

Senator STEWART asked and obtained leaves of absence for Senator ROMANELLI, Senator STOUT and Senator ANDREZESKI, for today's Session, for personal reasons.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a legislative leave for today's Session on behalf of Senator Shaffer and a temporary Capitol leave on behalf of Senator Stauffer who has been called to his office.

Senator STEWART. Mr. President, I would like to request legislative leaves for Senator Fumo, Senator Hankins and Senator Rocks.

The PRESIDENT. Senator Loeper requests legislative leave for Senator Shaffer and temporary Capitol leave for Senator Stauffer. Senator Stewart requests legislative leaves for Senator Fumo, Senator Hankins and Senator Rocks. Is there an objection to the leave requests? The Chair hears none. The leaves will be granted.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet off the floor today to consider certain nominations.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER, on behalf of Senator STAUFFER, offered the following resolution, which was read as follows:

In the Senate, October 26, 1987.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 9, 1987, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 9, 1987, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Reibman, Senator Lewis and Senator Williams.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Reibman, Senator Lewis and Senator Williams. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—44

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

NAYS—1

Kelley

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Reibman, Senator Lewis and Senator Williams and their temporary Capitol leaves will be cancelled.

SENATE RESOLUTION**DESIGNATING NOVEMBER 1987 AS
"DIABETES MONTH" IN PENNSYLVANIA**

Senators SALVATORE, STAUFFER, JUBELIRER, SHUMAKER, FUMO, SHAFFER, STAPLETON, PECORA, MADIGAN, MOORE, REIBMAN, LEMMOND, WENGER, ARMSTRONG, O'PAKE, JONES and ROSS offered the following resolution (**Senate Resolution No. 133**), which was read, considered and adopted:

In the Senate, October 26, 1987.

A RESOLUTION

Designating November 1987 as "Diabetes Month" in Pennsylvania.

WHEREAS, Diabetes is one of the most serious medical and public health problems in the United States, affecting the health of 11 million Americans; and

WHEREAS, Careful treatment can control many of the short-term metabolic effects of the disease, but diabetes is also associated with serious long-term complications that affect the eyes, kidneys, nervous system and blood vessels; and

WHEREAS, Given the disability, the emotional toll and the economic loss from diabetes—estimated at \$14 billion per year in the United States—diabetes research should continue to be a high priority; and

WHEREAS, While remarkable advances have been made in diabetes research, much remains to be done before the cure and prevention of diabetes and its complications become a reality; and

WHEREAS, To increase public awareness of diabetes and to emphasize the need for continued research and educational efforts aimed at controlling and curing diabetes, Congress, by Senate Joint Resolution 44, has designated the month of November 1987 as "National Diabetes Month"; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania designate November 1987 as "Diabetes Month" in Pennsylvania.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request temporary Capitol leaves for Senator Bell and Senator Hopper who have been called to their offices.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Bell and Senator Hopper. The

Chair hears no objection to the leave requests. The leaves will be granted.

**GUEST OF SENATOR JAMES R. KELLEY
PRESENTED TO SENATE**

Senator KELLEY. Mr. President, today the Senate is being visited by a distinguished gentleman from Westmoreland County. He is Mr. John Driscoll who is the President of the District Attorneys Association in the Commonwealth, and he is the current District Attorney in Westmoreland County. I would invite the President to offer his warm greetings.

The PRESIDENT. Will District Attorney John Driscoll rise so we can afford you our usual welcome from the Senate of Pennsylvania.

(Applause.)

RECESS

Senator LOEPER. Mr. President, I request a recess of the Senate until 3:45 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 3:45 p.m., Eastern Standard Time.

AFTER RECESS

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

CALENDAR**HB 1130 CALLED UP OUT OF ORDER**

HB 1130 (Pr. No. 2352) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 1130 (Pr. No. 2352) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to the establishment and operation of the Pennsylvania Commission on Sentencing; increasing the penalties for false reports to law enforcement authorities; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 2, by inserting after "Statutes,": limiting the defense of justification in certain cases;

Amend Title, page 1, line 5, by inserting after "authorities,": making an editorial change;

Amend Bill, page 1, by inserting between lines 9 and 10:

Section 1. Section 509 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 509. Use of force by persons with special responsibility for care, discipline or safety of others.

(a) General rule.—The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian or other responsible person and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the minor, including the preventing or punishment of his misconduct; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain or mental distress or gross degradation.

(2) The actor is a teacher or person otherwise entrusted with the care or supervision for a special purpose of a minor and:

(i) the actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and

(ii) the degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under [subparagraph (1)(ii) of this section] paragraph (1)(ii).

(3) The actor is the guardian or other person similarly responsible for the general care and supervision of an incompetent, mentally ill or mentally retarded person; and:

(i) the force is [used] necessary for the purpose of safeguarding or promoting the welfare of the incompetent, mentally ill or mentally retarded person, including the prevention of his misconduct[, or, when such incompetent person is in a hospital or other institution for his care and custody, for the maintenance of reasonable discipline in such institution]; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, [serious] bodily injury, disfigurement, [extreme or unnecessary] pain, mental distress, or humiliation beyond that justifiable under subparagraph (i).

(4) The actor is a doctor or other therapist or a person assisting him at his direction; and:

(i) the force is used for the purpose of administering a recognized form of treatment not prohibited by law of this Commonwealth which the actor believes to be adapted to promoting the physical or mental health of the patient; and

(ii) the treatment is administered with the consent of the patient, or, if the patient is a minor or an incompetent person with the consent of his parent or guardian or other person legally competent to consent in his behalf, or the treatment is administered in an emergency when the actor believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(5) The actor is a warden or other authorized official of a correctional institution; and:

(i) he believes that the force used is necessary for the purpose of enforcing the lawful rules or procedures of the institution, unless his belief in the lawfulness of the rule or procedure sought to be enforced is erroneous and his error is due to ignorance or mistake as to the provisions of this title, any other provision of the criminal law

or the law governing the administration of the institution;

(ii) the nature or degree of force used is not forbidden by law; and

(iii) if deadly force is used, its use is otherwise justifiable under this chapter.

(6) The actor is a person responsible for the safety of a vessel or an aircraft or a person acting at his direction; and:

(i) he believes that the force used is necessary to prevent interference with the operation of the vessel or aircraft or obstruction of the execution of a lawful order, unless his belief in the lawfulness of the order is erroneous and his error is due to ignorance or mistake as to the law defining his authority; and

(ii) if deadly force is used, its use is otherwise justifiable under this chapter.

(7) The actor is a person who is authorized or required by law to maintain order or decorum in a vehicle, train or other carrier or in a place where others are assembled; and:

(i) he believes that the force used is necessary for such purpose; and

(ii) the force used is not designed to cause death, or known to create a substantial risk of causing death, bodily injury, or extreme mental distress.

(b) Necessary force.—As used in subsection (a)(3)(i), force shall be deemed necessary only if no reasonable alternative is available and the force used is limited to that which is required to prevent imminent physical injury to the actor, the incompetent person, mentally ill or mentally retarded person or another person.

Amend Sec. 1, page 1, lines 10 and 11, by striking out all of said lines and inserting:

Section 2. Chapter 13 of Title 18 is amended by adding a subchapter to read:

Amend Sec. 2, page 8, line 27, by striking out "2" and inserting: 3

Amend Sec. 3, page 9, line 12, by striking out "3" and inserting: 4

Amend Sec. 4, page 9, line 30, by striking out "4" and inserting: 5

Amend Sec. 5, page 10, line 10, by striking out "5" and inserting: 6

Amend Sec. 5, page 10, line 11, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Bell. His temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the amendment?

Senator GREENWOOD. Mr. President, if I may very briefly describe this amendment, this is language that is intended to limit the defense of justification for the use of force by a person employed by the Department of Public Welfare's residential facilities for mentally ill and mentally retarded persons. This is language that passed unanimously in the Senate Committee on Judiciary earlier this year and was passed unanimously by this Senate, and I would ask for the support of the Senate.

Senator ZEMPRELLI. Mr. President, we had discussed the amendment of the gentleman from Bucks, Senator Greenwood, and although the substantive aspect of the amendment may not be objectionable, the procedure, however, is. House Bill No. 1130 is before us because of an emergency situation that was created by a decision of the Supreme Court that went to the core and guts of the sentencing guidelines. We are most anxious to get before the Governor a bill which would, in fact, remedy what could otherwise be a horrendous situation.

One example that has at least been brought to my attention is that there may be justification at this point in time for many petitions to be filed for release of prisoners because of the decision that was made in the Supreme Court case which obviated, if not totally destroyed, the guideline proposition that we passed here. Senator Greenwood's amendment, as I understand it, is commendable as to the subject matter it would cover. However, this should not be the vehicle by which we would delay House Bill No. 1130 getting before the Governor, and we would resist it for that reason. Having said that, I would join the gentleman in whatever legislation he deemed necessary in order to accomplish his purpose, provided it did not wreak havoc with the Criminal Code or broaden definitions that are presently in place with respect to the criminality of assault. I am not sure we need to get into every different kind of assault that exists, for example, but I would say to the gentleman that to roll this into House Bill No. 1130 might be doing a great disservice to what this General Assembly has done in the past with respect to guidelines.

Senator LOEPER. Mr. President, I listened to the concerns of the gentleman from Allegheny and they are certainly well taken. One reason that we called this bill up out of order in order to entertain this particular amendment was for the fact that we would like to try and have this bill reprinted today and run it on a Supplemental Calendar if, in fact, the amendment should be inserted into it. We also recognize the importance of this bill and how critical it is to this Commonwealth and would hope to deal with this issue later today.

Senator ZEMPRELLI. Mr. President, I could certainly understand the gentleman's argument if we were a unicameral Legislature. However, I believe the same arguments that prevail here with respect to the de facto germaneness of this amendment will be raised in the House and, therefore, I believe the bill would be placed in jeopardy. To suggest that we should piggyback on the intent of House Bill No. 1130 by a substantive amendment to the Criminal Code, as I view it, I think is somewhat offensive to the process, and not in terms of what is endeavored here, what is attempting to be done, but the consequences of a failure to get House Bill No. 1130 before the Governor at the very first moment because of the consequences of what may happen if we do not deal with it expeditiously.

Senator GREENWOOD. Mr. President, I appreciate the remarks of the Minority Leader in terms of his offer to support me in this kind of legislation in the future, however, he already has, and this entire Senate has when it passed this

language, as I mentioned, unanimously. If I thought, Mr. President, there was anything at all controversial about this language that might impede the ultimate passage of House Bill No. 1130, I would not offer it. It is because this language is noncontroversial and is widely supported that I do not believe it will impede the progress of House Bill No. 1130, and I would again ask the Senate to concur in this language.

Senator AFFLERBACH. Mr. President, I desire to interrogate the gentleman from Bucks, Senator Greenwood.

The PRESIDENT. Will the gentleman from Bucks, Senator Greenwood, permit himself to be interrogated?

Senator GREENWOOD. I will, Mr. President.

Senator AFFLERBACH. Mr. President, I am a bit confused when the gentleman says that this language is not at all controversial. If, in fact, it is not controversial, then why do we have to consider it a second time? Obviously, it has run into controversy somewhere along the line, if not in this Body, then in the House of Representatives.

Senator GREENWOOD. Mr. President, quite frankly, it is not this language that is controversial in the House. What is controversial in the House is the issue of abortion, and because the issue of abortion is controversial in the House as well as the Senate, the House Judiciary Committee will not release this bill because it is a Title 18 bill and because the chief proponent of anti-abortion legislation in the House has vowed to amend his language into the next Title 18 bill coming out of the Judiciary Committee. I think it is important that we provide some protection to our mentally ill and our mentally-abused residents in our state facilities. I think this Senate has demonstrated by its previous actions that it concurs in that concept. I think it is entirely appropriate to use this vehicle to accomplish that end and thus circumvent the controversy created by the unrelated issue of abortion.

Senator O'PAKE. Mr. President, I, too, have serious concerns about cluttering this bill with another substantive issue. I think we are all aware of the fact that our courts are now really in a no-man's-land with regard to thousands and thousands of sentences imposed by the sentencing guidelines. The Supreme Court, in a very interesting opinion, has chosen to set aside those guidelines and it has called into question the validity of literally thousands of sentences imposed on criminals who are serving time in our jails. We have to act very expeditiously and, if this bill passes with a technical amendment, which I have suggested by the House, it is possible that this could go to the Governor's desk very, very quickly. With the expedited resentencing under the guidelines this bill contains, we would remove the cloud that presently exists. If we add any substantive measure, such as this one, we, I think, jeopardize the swift passage of this bill in sending it to the Governor's desk. I would ask that the sponsor of the amendment reconsider offering it to this bill. This will go right back to concurrence now on the House floor. It will not have to go to the House Judiciary Committee where it could be used as a vehicle for other issues that House Members feel very strongly about. I think it is our obligation to correct the loophole that presently could exist under that Supreme Court decision, and

I do not think this bill is the proper vehicle for this amendment. As the gentleman from Lehigh, Senator Afflerbach, has pointed out, it obviously is controversial because, although it passed here quite easily, it has been hung up in the House. We do not need this being hung up in the House because of this amendment which really is not related to the sentencing guidelines at all. Therefore, not on the merits of the amendment but on the fact that it could really jeopardize and deal a permanent setback to our efforts to take care of a problem that was created by the Supreme Court decision in questioning the validity of the old sentencing guidelines that were adopted years and years ago, I would urge a negative vote on this amendment, not because I oppose the substance of the amendment, but I would hate to see it derail this bill which I think is on a fast track to the Governor's desk unless we put some kind of controversial substantive language in as this amendment does.

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I rise to request temporary Capitol leave on behalf of Senator Scanlon.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hopper. His temporary Capitol leave will be cancelled.

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

Senator KELLEY. Mr. President, I would like to associate myself with the remarks of the gentleman from Berks. I served on the initial makeup for a number of years of the Sentencing Commission and must remind my colleagues, Mr. President, that the commission itself is the embodiment of both Members of the Senate and Members of the House, as well as other appointees of the Governor and the Executive Branch. There are members also appointed by the Chief Justice, so we have all the representations of those elements of government who are dealing with the entire process and the relevancies that they have with all the branches of government. I think it is much too important for us, no matter how valid the amendment is in substance, but because the Supreme Court decision has essentially made invalid the sentencing guidelines, it is important for us to maintain the fast tracking of this bill. This amendment or any amendment would be an impediment to that fast tracking and imperil the validity of many, many sentences. Mr. President, in that regard, I would ask for a negative vote, but reluctantly so, on the merits of the greater good being served.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Fisher has been called to his office and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Fisher. 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 MUSTO. 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 GREENWOOD and were as follows, viz:

YEAS—24

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

NAYS—21

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

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

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

Senator O'PAKE, by unanimous consent, offered the following amendment:

Amend Sec. 3, page 9, line 19, by striking out "SAID" and inserting: those

Amend Sec. 3, page 9, lines 19 and 20, by striking out "SHALL BE" and inserting: next

Amend Sec. 3, page 9, line 20, by striking "AND" and inserting: shall be

Amend Sec. 3, page 9, line 21, by striking out ". THE" and inserting: ; and the

Amend Sec. 3, page 9, lines 26 and 27, by striking out "18 P.A.C.S. § 1385(B)" and inserting: this section

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

It was agreed to.

The PRESIDENT. House Bill No. 1130 will go over in its order, as amended.

HB 457 CALLED UP OUT OF ORDER

HB 457 (Pr. No. 2355) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 457 (Pr. No. 2355) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," providing for the office of district attorney in cities and counties of the first class; further providing for salaries of county officers; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

CORMAN AMENDMENT

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

Amend Title, page 1, line 12, by removing the semicolon after "OFFICERS" and inserting: and the fixing of such salaries by the county salary board;

Amend Sec. 4 (Sec. 10.1), page 5, line 8, by inserting brackets before and after "COMMISSIONERS" and inserting immediately thereafter: salary board

Amend Sec. 4 (Sec. 10.1), page 5, line 14, by inserting brackets before and after "COMMISSIONERS" and inserting immediately thereafter: salary board

Amend Sec. 4 (Sec. 10.1), page 5, line 15, by inserting brackets before and after "COMMISSIONERS" and inserting immediately thereafter: salary board

Amend Sec. 4 (Sec. 10.1), page 5, line 24, by inserting brackets before and after "COMMISSIONERS" and inserting immediately thereafter: salary board

Amend Sec. 4 (Sec. 10.1), page 5, line 25, by inserting brackets before and after "SET FORTH IN THIS ACT." and inserting immediately thereafter: being earned on October 21, 1987, nor shall the county salary board eliminate any future salary increase which had been adopted before October 21, 1987.

Amend Sec. 4 (Sec. 10.1), page 5, line 28, by striking out the bracket before "(E)"

Amend Sec. 4 (Sec. 10.1), page 5, line 28, by inserting a bracket before "ANY"

Amend Sec. 4 (Sec. 10.1), page 6, line 4, by inserting after "COMMISSIONERS.]"': For purposes of this act, the county salary board referred to herein shall consist of the board of county commissioners and the county controller in counties where there is a controller, or the county treasurer in counties where there is no controller. Whenever the salary board considers the salary of any county officer, other than district attorney, that county officer shall sit as a member of the salary board. When salaries of county auditors are considered, the chairman of the board of county auditors shall sit as a member of the salary board.

Amend Sec. 5, page 6, line 7, by striking out "COUNTY COMMISSIONERS" and inserting: the county salary board

Amend Sec. 5, page 6, line 11, by striking out "COMMISSIONERS" and inserting: salary board

Amend Sec. 5, page 6, line 21, by striking out "COMMISSIONERS" and inserting: salary board

Amend Sec. 5, page 6, line 22, by striking out "SET FORTH IN THE ACT." and inserting: being earned on October 21, 1987, nor shall the county salary board eliminate any future salary increase which had been adopted before October 21, 1987.

On the question,

Will the Senate agree to the amendment?

Senator CORMAN. Mr. President, this amendment will bring about the natural evolution of things in allowing county

governments to consider their own destiny in managing their counties. Several years ago when I and several of my colleagues on this floor were county commissioners, the salary of county commissioners and each of the row offices was decided by the General Assembly. They were broken up into classes of county, and whatever class of county you were, a specific salary was assigned to the county commissioners and to each member who served in the various row offices. Obviously, that does not work perfectly. We cannot, here in Harrisburg, decide who is working harder than someone else just because of class of county, and so, as time went by, Mr. President, we changed that arrangement to state that county commissioners may decide the salary for themselves and for the various row officers. However, everyone must receive the same percentage salary increase. A pecking order was established for each of the various row officers, and then from that percentage increases would be given to the commissioners, the same increase to be given to each of the county row officers. This pecking order was not correct, according to, at least, the coroners a year or so ago, and they came in and said their work was far more in comparison to the other row officers, they did not fit into that pecking order correctly, would we not make a one-time adjustment to increase the salary of the coroners across the Commonwealth of Pennsylvania? And, Mr. President, we did.

Mr. President, I suggest, as time goes by, we are going to have other row officers coming in making the same pitch and putting us in a bind trying to make that kind of a decision as to who is doing what kind of work and where they should fit in the pecking order in each of the respective counties. Mr. President, my amendment takes us forever out of that kind of an arrangement. My amendment puts the sole responsibility in the hands of the county salary board. The county salary board is already in place in each of the county governments, and it is their responsibility to set salaries for each of the county employees. The salary board is comprised of the three county commissioners, the county controller—in the event the county does not have a county controller, the county treasurer sits in that place—and then each of the row officers as the salary is considered for their particular office.

My amendment says that same responsibility will apply for setting salaries for the various row officers. The salary board shall be the three commissioners, the controller, the treasurer if you do not have a controller, and that row officer when you are considering that row officer's salary increase. Mr. President, this gives every row officer an opportunity to participate in a salary board, to debate their salary, whether a salary should be increased and how much it should be increased. It gives them a chance to vote on that issue. It gives them a chance to be part of the decision that is being made. As a safeguard, Mr. President, also portions of this amendment would state that no salary for a county row officer may be reduced below the salary they receive today, and in the event there has been a mechanism passed to automatically increase salaries for the next several years at a certain percentage for each of the row officers, that this may not be disrupted.

Mr. President, I think it is a good amendment that forever and a day will remove this responsibility from the General Assembly and will be the final step in, at least, an evolution of responsibility for managing the monies as it goes to salaries of elected officials and nonelected officials and puts it in the hands it should be in, the salary board of the various counties.

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

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

Senator CORMAN. I will, Mr. President.

Senator STEWART. Mr. President, I do not have the gentleman's amendment in front of me. My question is very simple. Under his amendment, when can this occur? When can the salary board meet and discuss the issue? If they vote in the affirmative, when can they vote a salary increase, I guess is my question?

Senator CORMAN. Mr. President, we do allow that one time, that they normally cannot consider a salary increase at this time because they are standing for election, so we allow them that one time. It is my guess that on election eve there is not a county that is going to have the courage to consider a pay increase for themselves and their various colleagues, so my guess is they will pass by that one opportunity they will have to adjust the salaries. Then after that it would be the same as it always is. They will consider a salary increase, but this will not conflict with the Constitution as it says on page 6, line 26, "Section 3 (Section 5.1) shall apply when permitted by the Constitution of Pennsylvania." So, if the salary board does meet in December or January, they cannot get the results of their work until they are elected to office another time. However, while all the county commissioners run this particular year, not all the county row officers run this particular year, so in two years you may have some county row officers upon reelection reaping the benefits of whatever actions they may take in the interim period of time.

Senator STEWART. Mr. President, if this amendment is adopted and the bill as amended becomes law and the county commissioners do nothing before the November 3rd election, then they are precluded until four years later? Is that what the gentleman is saying? Precluded from getting whatever they do until four years later?

Senator CORMAN. That is correct, Mr. President.

Senator BRIGHTBILL. Mr. President, I have had an opportunity to examine the amendment and the thought of the amendment, and I would commend the gentleman for offering the amendment. Nevertheless, I am asking for a "no" vote for this reason, I will next be offering an amendment which I believe accomplishes the purpose the County Commissioners Association intended to accomplish without putting the row officers in jeopardy. My understanding of the bill as it presently exists is that the county commissioners could raise or lower their salary or any other row officer's salary with impunity. What my amendment intends to do is it permits the commissioners to raise and lower their salaries, but they can only raise the row officers' salaries if they did it

in a bloc or as a group, so if they give an increase to the sheriff, it would also go to the recorder of deeds and the prothonotary.

During the time between Wednesday of last week and today, a number of my row officers talked to me concerning the idea that the commissioners could gang up on any particular row officer and deny him a pay increase for whatever reason. My feeling is that this amendment remedies that problem. In addition, I would say as to the amendment offered by the gentleman from Centre, Senator Corman, the gentleman from State College, that philosophically I have always believed the power that taxes ought to be the power that disburses the money. The county commissioners have the burden of imposing the taxes. I believe they alone should have the burden or privilege of spending the county's money and would, therefore, ask for a negative vote.

Senator ZEMPRELLI. Mr. President, would the gentleman from Centre, Senator Corman, submit to a short interrogation?

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

Senator CORMAN. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, if I understand the impact of the gentleman's amendment, it would establish the salary board with respect to all of the row offices but would not include that jurisdiction over the establishment of salaries for part-time district attorneys from counties from the third to the eighth. Is that correct?

Senator CORMAN. Mr. President, that is correct.

Senator ZEMPRELLI. Mr. President, I think as a preamble to the rest of my statement, so that you might understand where I am coming from, I join the gentleman in his amendment. I just want it clearly understood as to what we are doing. As a matter of fact, if the gentleman's amendment prevails, it would not be necessary for me to offer mine, which goes one step further. Having said that, I share some deep concern over the dicta that the gentleman has offered with respect to the inquiry of the gentleman from Cambria, Senator Stewart, because my own personal experience has indicated to me that there is a litany of judicial determinations which would not allow the kind of positive assertion that the gentleman has made with respect to the impact of the application of the salary increase when made. If I may address that and I will ask a question, but my only concern is that someplace, somewhere there might be offered legislative intent with respect to this legislation, and I do not share the gentleman's view as to necessarily the time when the salary would be payable to an elected official. I, therefore, would want the record to clearly state that, although I am voting for the gentleman's amendment, I do not necessarily agree with him as to that aspect of the inquiry which the gentleman has responded to the gentleman from Cambria, Senator Stewart. My question to the gentleman is, does his amendment that is being offered specifically state any time that a prospective salary increase was made would become operative?

Senator CORMAN. Mr. President, the only reference I can find in the bill specifically when it may become operative is it says on page 6, in Section 3, "...shall apply when permitted by the Constitution of Pennsylvania." It is my belief the Constitution of Pennsylvania says that county elected officers cannot receive a salary increase during their current term of office. So, by reference to that, that is why I answered the gentleman from Cambria, Senator Stewart, by saying that if they met sometime in December or January or later, whatever action they take will have to come into play when they are elected to office the next time they are elected.

Senator ZEMPRELLI. Mr. President, my question to the gentleman is, is he asserting to this Body that the operative time for the salary increase to take effect is based on the Constitution and not on his legislation?

Senator CORMAN. That is correct, Mr. President.

Senator ZEMPRELLI. Mr. President, does the gentleman have a specific section of the Constitution that prohibits county row offices from receiving an emolument until they have been reelected to that office or elected to that office for the first time?

Senator CORMAN. Mr. President, I am not sure I heard the question. If the question deals with, is there any action on people receiving salaries during their term of office, I believe there is a Supreme Court ruling on that and I believe it came out of Cameron County, which is one of my counties, where the row officers took a salary increase during their term of office. It went to court and they had to pay it back.

Senator ZEMPRELLI. Mr. President, as I suggested in my remarks before I had this short interrogation, I join the gentleman in his amendment. I do continue to share some concern over the accuracy as to when the emolument would be in place. I think there is a virtual sea of inconsistent judicial law determining when these salaries go into effect as to many, many different offices, and I would not want it to be construed as part of my legislative intent in voting for this legislation that I necessarily agree with the conclusions of law that the gentleman has alluded to.

Senator STAPLETON. Mr. President, I wonder if the gentleman from Centre, Senator Corman, would consent to a short interrogation?

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

Senator CORMAN. I will, Mr. President.

Senator STAPLETON. Mr. President, the system that we presently have with the county commissioners of this Commonwealth from the third to eighth class counties presently have the right to set their own salaries as well as the other row offices and they must be uniform. If the commissioners decide to get a 10 percent increase, they have to give the same to the other row offices from the third to eighth class counties. It is my understanding, under the amendment of the gentleman from Centre, Senator Corman, that would change that procedure, and it would go in front of a salary board that would determine the raises for each office individually. In other words, the three county commissioners would be on a salary

board. In some of my counties we have a controller, some we have a treasurer, so it would be a treasurer or the controller plus that individual row officer, and they would determine the increase of that individual row office. I believe what we have to weigh here is, do we want the system that we presently have where all the row offices will receive the same increase, or do we believe that each one of the row offices should go in front of a salary board and their increase would be determined by that board? My belief is that the present system is fair. I have not had any complaints from any of the counties that I represent in regard to changing this. My only question to the gentleman is, am I correct in what I have said?

Senator CORMAN. Mr. President, I am not sure how I am to respond to that question the way it was phrased. I can restate it as I believe it is. Mr. President, we have already had two county row officers come to us asking to be taken out of the pecking order. One is the coroners, which we addressed a year or so ago—I have forgotten exactly when it was—and now the reason this issue is before us is the county commissioners have made the same pitch. They have come to us and said the pecking order established by you people for us to participate in the salary increases some time ago just does not work. The county commissioners are those who are involved in the business of the county. Ours is a more difficult job. I do not know all the words they used, but the reason we are here today, I believe, is because they have asked now to be taken out of the same pecking order that, in fact, the coroners have asked to be taken out of and we addressed the coroners. I am saying, Mr. President, I do not know, a year from now or the year after that, if it is going to be the prothonotaries or the registers of wills or some other row officers who will come to us as a group and say, hey, when you put that all together, we got mixed up, we do more work in comparison and, therefore, we should have a one-time special consideration. I am saying each county is different, Mr. President. I suspect that the treasurer in some counties maybe does not work quite as hard as a treasurer in other counties. There may be special reasons why the treasurer in one county should be given a 10 percent or 15 percent or 20 percent increase where a treasurer in another county, maybe that increase should be not quite that strong. I am saying let each county set it for themselves and that is, in fact, what my amendment does. It puts the whole arrangement in an organization that already exists in the county, the county salary board, and lets the county salary board decide those kinds of things, as they should, rather than us structuring a rigid arrangement of step salaries that do not necessarily meet the need either. I do not know if that answers the gentleman's question.

Senator ZEMPRELLI. Mr. President, to revert to the previous argument in the interrogation I had of the gentleman from Centre County, I wonder if he would submit to additional interrogation?

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

Senator CORMAN. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I believe the reference to Section 3 of the bill by the gentleman from Centre, Senator Corman, was probably incorrect and that is not the thrust of my inquiry. May I direct the gentleman's attention to page 5 of the bill which reads, beginning on line 26, subparagraph (D), "No new salary schedule shall be adopted in a calendar year in which the county commissioners are to be elected." Mr. President, will the gentleman agree with me that is rather restrictive language as to when a salary schedule shall go into effect?

Senator CORMAN. Yes, Mr. President.

Senator ZEMPRELLI. Mr. President, does it not also suggest to the gentleman that any year except an election year, barring the restraints of the Constitution, would be a proper year in which to increase the county commissioners' salary?

Senator CORMAN. Mr. President, I believe it says: "No new salary schedule shall be adopted in a calendar year in which the county commissioners are to be elected." That means in other years they would adopt their schedule, but it is my understanding they could not receive the benefits from that newly adopted schedule until once again they are sworn into office.

Senator ZEMPRELLI. Mr. President, if the county commissioners were prohibited from receiving the salary in any other year, why would this particular section refer to the calendar year in which they are running for election?

Senator CORMAN. Mr. President, I believe that was stated that way so the county commissioners, I suspect, could not wait until the primary went by and they decided who the candidates were, to consider salary increases to make sure they are going to be a beneficiary of whatever it is that they create. So, I believe it is consistent with what occurred prior to my amendments that the county commissioners must adopt these schedules for salary increases prior to the year they are running for election so all seekers for that office will know exactly what the salary will be.

Senator ZEMPRELLI. Mr. President, would it not be much better, then, to simply state in subsection (D) that no county commissioners shall receive any increase in emolument until after he has been reelected?

Senator CORMAN. Mr. President, I guess we could state these amendments in many different ways. It is my belief it is covered by the section that says it "shall apply when permitted by the Constitution of Pennsylvania."

Senator ZEMPRELLI. Mr. President, now I must go back to some confusion that arises, because the gentleman, Mr. President, is referring to a section that applies only to first class counties, the City of Philadelphia, with respect to the constitutional mandate.

Senator CORMAN. Mr. President, if the gentleman will give me a second, I will peruse the bill to make certain that I would agree or we would respectfully disagree.

Senator ZEMPRELLI. Mr. President, I would not in any way intend to hasten the gentleman's judgment. He may take as much time as he wants.

Senator CORMAN. Thank you, Mr. President.

Senator ZEMPRELLI. Mr. President, I may be of some assistance to the gentleman.

Senator CORMAN. Mr. President, I stand corrected by the gentleman. That section I was referring to does deal with first class counties. There is not a section in this particular bill speaking to what I have spoken of. I guess I am speaking of case law that has determined in past situations, as in Cameron County in my Senatorial district, where the court struck down their right to accept a pay increase and they had to pay it back.

Senator ZEMPRELLI. I thank the gentleman, Mr. President, because at that point I do not think there is real authority and I reserve and restate my concern that these remarks will not be considered to be legislative, whatever they call it, in terms the courts do not pay any attention anyway to legislative intent. However, for whatever it means, it could not be regarded in that sense.

LEGISLATIVE LEAVES

Senator MOORE. Mr. President, I request a temporary Capitol leave for the balance of today's Session for Senator Loeper.

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

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

The PRESIDENT. Senator Zemprelli requests temporary Capitol leave for Senator Musto. Is there 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 MUSTO. 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 CORMAN and were as follows, viz:

YEAS—30

Afflerbach	Hess	Mellow	Ross
Corman	Holl	Moore	Scanlon
Fisher	Jones	O'Pake	Shaffer
Fumo	Kelley	Peterson	Stauffer
Greenleaf	Lemmond	Reibman	Stewart
Greenwood	Lewis	Rhoades	Williams
Hankins	Lincoln	Rocks	Zemprelli
Helfrick	Lynch		

NAYS—15

Armstrong	Hopper	Regoli	Tilghman
Bell	Jubelirer	Salvatore	Wenger
Bodack	Loeper	Shumaker	Wilt
Brightbill	Musto	Stapleton	

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

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

BRIGHTBILL AMENDMENT

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

Amend Title, page 1, line 11, by inserting after "CLASS;": further providing for the salaries of part-time district attorneys;

Amend Sec. 4 (Sec. 10.1), page 5, line 28, by striking out the bracket before "(E)"

Amend Sec. 4 (Sec. 10.1), page 5, line 28, by inserting brackets before and after "ANY" and inserting immediately thereafter: Except for the salaries of county commissioners, any

Amend Sec. 4 (Sec. 10.1), page 6, line 4, by striking out the bracket after "COMMISSIONERS."

Amend Sec. 5, page 6, by inserting between lines 22 and 23:

(5) Except for the salaries of county commissioners, any salary increase shall be on a percentage basis and applied equally to all county officials except that the county commissioners may provide a greater percentage salary increase to the lowest paid county official, other than the jury commissioners or county auditor, until his salary is equal to the other county officials except the jury commissioners, county auditors, district attorneys and county commissioners.

Amend Sec. 7, page 6, line 26, by striking out "SECTION 2 3 (SECTION 5.1)" and inserting: The salaries provided in sections 5 and 5.1 of this act and those adopted pursuant to the procedures established in section 10.1 of this act and section 5 of this amendatory act

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

Senator BRIGHTBILL. Mr. President, what this amendment does, it provides that the county commissioners, in voting for the salaries of the row officers, are bound to keep the salaries of the row officers in a group, so they cannot single out any single row officer, for example, to discipline him or to give him an increase that would be different than another row officer's.

Senator MELLOW. Mr. President, will the gentleman from Lebanon, Senator Brightbill, stand for a brief interrogation?

The PRESIDENT. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

Senator MELLOW. Mr. President, can the gentleman tell us, with the enactment of this amendment, would the salary of county row officeholders be different in a percentage or could it be different in a percentage than the amount of salary increase received by the county commissioners in that county?

Senator BRIGHTBILL. Yes, Mr. President.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—20

Armstrong	Hess	Loeper	Stapleton
Brightbill	Holl	Moore	Stauffer
Fisher	Hopper	Rhoades	Tilghman
Greenleaf	Jones	Salvatore	Wenger
Helfrick	Jubelirer	Shaffer	Wilt

NAYS—25

Afflerbach	Kelley	Musto	Ross
Bell	Lemmond	O'Pake	Scanlon
Bodack	Lewis	Peterson	Shumaker
Corman	Lincoln	Regoli	Stewart
Fumo	Lynch	Reibman	Williams
Greenwood	Mellow	Rocks	Zemprelli
Hankins			

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?

SHUMAKER AMENDMENT

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

Amend Title, page 1, line 12, by striking out "COUNTY OFFICERS" and inserting: part-time district attorneys

Amend Bill, page 5, lines 4 through 30; page 6, lines 1 through 22, by striking out all of said lines on said pages

Amend Sec. 6, page 6, line 23, by striking out "6" and inserting: 4

Amend Sec. 7, page 6, line 26, by striking out "7. SECTION" and inserting:

5. Sections 2 (section 5) and

Amend Sec. 8, page 6, line 28, by striking out "8" and inserting: 6

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

Senator SHUMAKER. Mr. President, this amendment would very simply cut everything out of the bill except for the part-time district attorneys and the district attorney in Philadelphia. I have listened to two variations on a theme and have come to the following conclusion: First, I think the recommendations made as to the other row officers is not timely. It is very, very close to next week's election, and I think the gentleman from Centre, Senator Corman, said it. He said he does not feel any county commissioner is going to vote these raises anyway. If that is the case, why all the hurry? Secondly, I think it is impractical and I think it is unfair, because this could very easily be exclusive in that only the county commissioners could receive a raise. The other row officers could be excluded. It is selective in that the county commissioners could receive a raise and only certain of the row officers would receive a raise. I think it needs more Sunshine and it needs more input, since there obviously is not the hurry, based upon what Senator Corman said, and I agree.

I think it may also be difficult, if not impossible, to effect the publication notice set forth in the bill in that it needs but one day of publication, but this bill would probably not become law until Wednesday or Tuesday at the earliest, and I do not see, as a practicality, how this could be properly even brought before a public meeting. I think if we review everything that has been said here today—and there are two variations on this theme and, perhaps, some other variations—that we would do well to only consider the part-time district attorneys and the district attorney in Philadelphia at this time and come back with a meaningful bill which would permit the commissioners and a salary board, or whatever arrangement you want, to raise the salaries and the compensation for the row officers and the commissioners. Therefore, I would offer this as a very viable alternative and, hopefully, we will adopt this and then come back and take a serious look at the other recommendations that have been made here today.

Senator ZEMPRELLI. Mr. President, would the gentleman from Dauphin, Senator Shumaker, agree to a very short interrogation?

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

Senator SHUMAKER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, if I understand the gentleman's amendment, it would, in effect, have this bill deal only with part-time district attorneys' salaries. Is that basically correct?

Senator SHUMAKER. And the Philadelphia district attorney, Mr. President.

Senator ZEMPRELLI. Mr. President, as I understand it, it would provide for the percentage of the judicial salary depending upon the class of the county in addition to first class counties.

Senator SHUMAKER. That is correct, Mr. President.

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

Mr. President, I am reminded of a former dissertation by a Senator from the great County of Westmoreland, not the present incumbent, who began to argue an issue in opposition and, by the time he had finished his remarks he had convinced himself that he was wrong. We have done full square with respect to this particular piece of legislation, and I feel very much like a youngster who has been shopping in a candy shop. I like the amendment of the gentleman from Centre, Senator Corman. I spoke against the concept that the gentleman from Dauphin, Senator Shumaker, is advancing now, but I am persuaded that it is a little better piece of candy, and I am also persuaded by the fact that there is a situation existing out there that requires immediate attention.

What I am personally doing is compromising what I honestly believe should be done in this situation in order to be expeditious with respect to the circumstances that prevail in our smaller counties, particularly in the area of justification of salaries for district attorneys. In my principal remarks last week I had indicated that I had no quarrel with the amount of money that was being associated by virtue of the increase, and

I was not impressed with the fact that percentages should be used as a barometer for determining whether something is fair or not, but I did have some quarrel with the procedure. I still have that quarrel with the procedure, but I have not seen a better piece of candy. I am going to support this amendment for the reason stated and wanted the record to indicate the reason for it, because it would be an inconsistency if you read my remarks last week and now tried to digest the ones I am making now. I am very fond of the piece of candy that the gentleman has offered and I will support it.

POINT OF ORDER

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

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

Senator BRIGHTBILL. Mr. President, I rise to ask for a ruling from the Chair. Mr. President, my law partner is an elected part-time district attorney and potentially this amendment or this bill would have an influence on him, particularly if he sought reelection. My query is whether or not that is a conflict of interest?

The PRESIDENT. The Chair would indicate to the gentleman that the same ruling that was issued last week would prevail, that the gentleman's circumstance would indicate that the individual would most probably be part of a class and benefits that would accrue would not accrue to you personally, Senator, as an individual. Therefore, you would not only be correct in voting but required to vote.

Senator BRIGHTBILL. Mr. President, you used the term, "most probably be part of a class" and you made mention of the benefits. It is possible that those benefits could accrue to me.

The PRESIDENT. The Chair recognizes the gentleman's point but would suggest to him that it is likely there would be partners in other law firms who would also benefit as you might. The Chair would make that stronger. There are individuals who would share in your same situation thereby establishing a class of individuals. Then it follows that since the class would benefit and not one Senator individually, that that one Senator could proceed to vote and should proceed to vote.

Senator BRIGHTBILL. Mr. President, would that ruling apply also to voting on the bill?

The PRESIDENT. It would.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Musto. His temporary Capitol leave will be cancelled. The Chair recognizes the presence of Senator Scanlon. His temporary Capitol leave will be cancelled.

LEGISLATIVE LEAVE

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

The PRESIDENT. Senator Moore requests temporary Capitol leave for Senator Greenwood. Is there an objection? The Chair hears none. The leave will be granted.

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

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

YEAS—36

Afflerbach	Helfrick	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Jones	Musto	Shumaker
Bodack	Jubelirer	O'Pake	Stapleton
Brightbill	Kelley	Regoli	Stewart
Fisher	Lemmond	Reibman	Wenger
Fumo	Lincoln	Rocks	Williams
Greenleaf	Loeper	Ross	Wilt
Hankins	Lynch	Salvatore	Zemprelli

NAYS—9

Corman	Holl	Peterson	Stauffer
Greenwood	Lewis	Rhoades	Tilghman
Hess			

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

The PRESIDENT. House Bill No. 457 will go over in its order, as amended.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 140 (Pr. No. 1463) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled, as amended, "Child Protective Services Law," requiring funeral directors to report suspected child abuse; further providing for the confidentiality of records; and providing for the employment of certain persons on a provisional basis.

Senator MOORE. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 140.

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

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

YEAS—45

Afflerbach	Hess	Mellow	Scanlon
Armstrong	Holl	Moore	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Brightbill	Jubelirer	Peterson	Stauffer
Corman	Kelley	Regoli	Stewart
Fisher	Lemmond	Reibman	Tilghman
Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Williams
Greenwood	Loeper	Ross	Wilt
Hankins	Lynch	Salvatore	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 inform the House of Representatives accordingly.

LEGISLATIVE LEAVE

Senator MOORE. Mr. President, before we proceed, I would like to request a temporary Capitol leave for Senator Jubelirer.

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 209 (Pr. No. 1416) — The Senate proceeded to consideration of the bill, entitled:

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

Senator MOORE. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 209.

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

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Zemprelli and Senator Stapleton.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Zemprelli and Senator Stapleton. The Chair hears no objections. The leaves will be granted.

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

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

YEAS—45

Afflerbach	Hess	Mellow	Scanlon
Armstrong	Holl	Moore	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Brightbill	Jubelirer	Peterson	Stauffer
Corman	Kelley	Regoli	Stewart
Fisher	Lemmond	Reibman	Tilghman
Fumo	Lewis	Rhoades	Wenger

Greenleaf	Lincoln	Rocks	Williams
Greenwood	Loeper	Ross	Wilt
Hankins	Lynch	Salvatore	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 inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 255 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 533 (Pr. No. 1454) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1967 (P. L. 869, No. 385), entitled "Public Works Contractors' Bond Law of 1967," providing for financial security to protect certain contracting bodies.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—45

Afflerbach	Hess	Mellow	Scanlon
Armstrong	Holl	Moore	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Brightbill	Jubelirer	Peterson	Stauffer
Corman	Kelley	Regoli	Stewart
Fisher	Lemmond	Reibman	Tilghman
Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Williams
Greenwood	Loeper	Ross	Wilt
Hankins	Lynch	Salvatore	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 present said bill to the House of Representatives for concurrence.

SB 1033 (Pr. No. 1357) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the fee for reinstatement of a person's operating privilege; providing for a fee for reinstatement of a vehicle registration; and further providing for the seizure of suspended and revoked registration plates and licenses.

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—44

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

NAYS—1

Jones

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

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

BILLS OVER IN ORDER

SB 1048, 1049, 1051 and 1053 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

BILLS ON THIRD CONSIDERATION AMENDED

SB 1067 (Pr. No. 1504) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1973 (P. L. 397, No. 141), entitled "Teacher Certification Law," further providing for the commission; and providing for the reestablishment of the commission.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 7), page 6, line 19, by striking out "Commonwealth" and inserting: Department of Education from funds appropriated for the general government operations of the Department of Education

Amend Sec. 1 (Sec. 7), page 6, line 23, by striking out "Commonwealth" and inserting: Department of Education

Amend Sec. 1 (Sec. 7), page 6, line 27, by inserting after "duties": upon presentation of a request for reimbursement and documentation of such loss

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 1068 (Pr. No. 1505) — The Senate proceeded to consideration of the bill, entitled:

An Act defining and providing for the licensing and regulation of private academic schools; reestablishing the State Board of Private Academic Schools; imposing penalties; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 20, page 15, line 4, by striking out "1986" and inserting: 1987

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 1082 (Pr. No. 1440) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1974 (P. L. 598, No. 206), entitled "Pennsylvania Minority Business Development Authority Act," providing for designees for legislative members; providing for removal from membership on the board; and reestablishing the agency.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 4), page 2, line 5, by inserting after "or":

a Amend Sec. 1 (Sec. 4), page 2, line 5, by inserting after "designee": of such secretary

Amend Sec. 1 (Sec. 4), page 2, line 6, by inserting brackets before and after "twelve" and inserting immediately thereafter: eight

Amend Sec. 1 (Sec. 4), page 2, line 7, by inserting after "persons": who shall be appointed by the Governor by and with the approval of a majority of the members elected to the Senate. In addition, four members of the General Assembly shall be members of the board.

Amend Sec. 1 (Sec. 4), page 2, line 9, by inserting after "Party": and

Amend Sec. 1 (Sec. 4), page 2, line 12, by inserting after "or": a

Amend Sec. 1 (Sec. 4), page 2, lines 12 and 13, by inserting a bracket before "and" in line 12 and after "Senate" in line 13 and inserting immediately thereafter: of such member of the General Assembly

Amend Sec. 1 (Sec. 4), page 2, line 14, by inserting brackets before and after "seven" and inserting immediately thereafter: nine

Amend Sec. 1 (Sec. 4), page 2, lines 14 and 15, by striking out "representing the general public" and inserting: who is not a member of the Governor's cabinet or the General Assembly

Amend Sec. 1 (Sec. 4), page 2, line 18, by inserting after "or": the

Amend Bill, page 2, by inserting between lines 24 and 25:

Section 3. The presently confirmed members of the existing Pennsylvania Minority Business Development Authority, as of

December 31, 1987, shall continue to serve as members until their present terms of office expire and until their successors are appointed and qualified.

Section 4. Each rule and regulation of the Pennsylvania Minority Business Development Authority in effect on December 31, 1987, shall remain in effect until repealed or amended by the Pennsylvania Minority Business Development Authority.

Section 5. This act shall be retroactive to January 1, 1988, if enacted after that date.

Amend Sec. 3, page 2, line 25, by striking out "3" and inserting: 6

Amend Sec. 3, page 2, line 25, by striking out "immediately" and inserting: January 1, 1988, or immediately if enacted thereafter

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1130 (Pr. No. 1503) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making revisions to the provisions regarding the Pennsylvania sentencing guidelines.

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—45

Afflerbach	Hess	Mellow	Scanlon
Armstrong	Holl	Moore	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Brightbill	Jubelirer	Peterson	Stauffer
Corman	Kelley	Regoli	Stewart
Fisher	Lemmond	Reibman	Tilghman
Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Williams
Greenwood	Loeper	Ross	Wilt
Hankins	Lynch	Salvatore	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 present said bill to the House of Representatives for concurrence.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 81 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILL REREFERRED

SB 231 (Pr. No. 240) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for powers and duties in general of the Department of Aging.

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

BILL OVER IN ORDER

HB 251 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILL ON SECOND CONSIDERATION

SB 419 (Pr. No. 456) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," further raising the permit fee required to move a mobile home or house trailer.

Considered the second time and agreed to,

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

LEGISLATIVE LEAVE

Senator MOORE. Mr. President, I would like to request a temporary Capitol leave for Senator Shumaker.

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

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

SB 423 (Pr. No. 460) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," further raising the permit fee required to move a mobile home or house trailer.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 446, SB 646 and HB 783 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

BILLS ON SECOND CONSIDERATION

SB 794 (Pr. No. 938) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "Pennsylvania Higher Education Assistance Agency Act," further providing for administrative loan collection process.

Considered the second time and agreed to,

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

SB 831 (Pr. No. 1460) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, placing certain limitations on insurance premium increases.

Considered the second time and agreed to,

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

SB 846 (Pr. No. 1514) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 884 and 886 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

BILL REREFERRED

SB 909 (Pr. No. 1146) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Statewide Respite Care Program within the Department of Aging; and making an appropriation.

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

BILLS OVER IN ORDER

SB 947 and 1015 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

BILLS REREFERRED

SB 1016 (Pr. No. 1337) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Department of Transportation to conduct a study to determine the cost of verification of insurance information entered on vehicle registration applications.

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

SB 1065 (Pr. No. 1516) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 13, 1987 (P. L. 340, No. 64), entitled "An act providing for the establishment, funding and operation of a special restricted receipt account within the General Fund to support the establishment and operation of a Statewide judicial computer system;....," further providing for deposits into the account.

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

BILLS OVER IN ORDER

HB 1072, SB 1078 and 1093 — Without objection, the bills were passed over in their order at the request of Senator MOORE.

MEETING OF COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

Senator MOORE. Mr. President, at this time I would request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. Would the gentleman be amenable to continuing with the unfinished business while that meeting occurs?

Senator MOORE. Mr. President, I would be amenable to that.

The PRESIDENT. The Chair thanks the gentleman. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room at the rear of the Chamber, the appropriate Senators will vacate themselves to those premises.

UNFINISHED BUSINESS
REPORTS FROM COMMITTEE

Senator WILT, from the Committee on Military and Veterans Affairs, reported the following bills:

SB 1133 (Pr. No. 1545) (Amended)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, codifying provisions of law relating to the creation, administration and powers and duties of the State Veterans' Commission, to the educational gratuity program for veterans' children and to the real property tax exemption for certain qualified veterans; providing for reestablishment of the commission; and making repeals.

HB 459 (Pr. No. 2260)

An Act amending the act of March 4, 1970 (P. L. 128, No. 49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further directing the Governor to display the official POW/MIA flag over the Main Capitol Building.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 80 (Pr. No. 1546) (Amended)

A Concurrent Resolution memorializing the United States Army and the United States Marine Corps to correct improper identification of Franklin J. Phillips on official records.

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

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

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

BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD

June 22, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Colonel James T. Whitehead, 425 Carlton Avenue, Wyncote 19095, Montgomery County, Twelfth Senatorial District, for appointment as Brigadier General, Deputy Commander, Headquarters, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Stewart W. Timmerman, transferred.

ROBERT P. CASEY.

BRIGADIER GENERAL,
PENNSYLVANIA NATIONAL GUARD

October 15, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Colonel Allen E. Chandler, 901 West Mount Airy Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Brigadier General, Pennsylvania Army National Guard, with assignment as Assistant Adjutant General, Pennsylvania Army National Guard, vice Major General Pasquale J. Macrone, Jr., separated.

ROBERT P. CASEY.

MAJOR GENERAL,
PENNSYLVANIA NATIONAL GUARD

October 15, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Brigadier General James B. Stodart, Jr., R. D. 1, Box 337, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for appointment as Major General, Pennsylvania Army National Guard, for assignment as Deputy Commanding General, Reserve Components, First U.S. Army, Fort Meade, Maryland, to serve until terminated.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator BRIGHTBILL,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator BRIGHTBILL. Mr. President, I ask unanimous consent to call from the table for consideration certain nominations just reported from committee and laid on the table.

The PRESIDENT. The Chair hears no objection.

The Clerk read the nominations as follows:

**BRIGADIER GENERAL,
PENNSYLVANIA NATIONAL GUARD**

October 15, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Colonel Allen E. Chandler, 901 West Mount Airy Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Brigadier General, Pennsylvania Army National Guard, with assignment as Assistant Adjutant General, Pennsylvania Army National Guard, vice Major General Pasquale J. Macrone, Jr., separated.

ROBERT P. CASEY.

**MAJOR GENERAL,
PENNSYLVANIA NATIONAL GUARD**

October 15, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Brigadier General James B. Stodart, Jr., R. D. 1, Box 337, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for appointment as Major General, Pennsylvania Army National Guard, for assignment as Deputy Commanding General, Reserve Components, First U.S. Army, Fort Meade, Maryland, to serve until terminated.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

Senator BRIGHTBILL. Mr. President, I would like to comment that I have not called from the table the nomination of Colonel James T. Whitehead because he filed a financial statement less than ten days ago, and state law requires that we wait ten days before considering any nomination.

Senator BELL. Mr. President, I would like to put into the record that General Stodart, who is being promoted to Major General, was selected to be the Deputy Commander, First United States Army, to have jurisdiction over all reserve and National Guard troops in thirteen states and, indeed, this is an honor not only to the National Guard of Pennsylvania, but to Pennsylvania.

And the question recurring,

Will the Senate advise and consent to the nominations?

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

YEAS—45

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

BILL IN PLACE

Senator HOPPER presented to the Chair a bill.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Civil Air Patrol Squadron 805 of Whitehall Township by Senator Afflerbach.

Congratulations of the Senate were extended to J. Christopher Toth by Senator Andrezeski.

Congratulations of the Senate were extended to Lillian Ebersole, Mr. and Mrs. Carl W. Fuss and to Mr. and Mrs. Robert G. Donmoyer by Senator Armstrong.

Congratulations of the Senate were extended to Bishop Duane Adrian Darkins by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Charles McClain, Matthew Allen Bates, Mr. and Mrs. Andrew Buynak and to Mr. and Mrs. Ted Quinn by Senator Corman.

Congratulations of the Senate were extended to Nancy Newman by Senator Helfrick.

Congratulations of the Senate were extended to Dr. Michael S. Giamo by Senator Holl.

Congratulations of the Senate were extended to Michael Williams by Senator Jones.

Congratulations of the Senate were extended to Edwin C. "Ted" Ickes by Senator Jubelirer.

Congratulations of the Senate were extended to Christian J. Breckenridge, Mark Edward Cook, Brian C. Kissler and to Mr. and Mrs. John R. Gaddis by Senator Lincoln.

Congratulations of the Senate were extended to St. Leo the Great Church of Ashley by Senator Musto.

Congratulations of the Senate were extended to Thomas P. Saxton by Senators Musto and Lemmond.

Congratulations of the Senate were extended to Willie Stout and to the Boyertown Bears Baseball Team by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. John J. Kaniecki by Senator Regoli.

Congratulations of the Senate were extended to Ryan E. Argot, Palmer Township Athletic Association Varsity and Junior Varsity Football Players and Cheerleaders and to the Mary Meuser Memorial Library of Easton by Senator Reibman.

Congratulations of the Senate were extended to Ned Shulman by Senators Reibman and Afflerbach.

Congratulations of the Senate were extended to Joseph W. Evans, Glen Greenzweig, Mr. and Mrs. Charles N. Mohr, Mr. and Mrs. Joseph Bradbury, Mr. and Mrs. Paul Podany and to Mr. and Mrs. Joseph Krick by Senator Rhoades.

Congratulations of the Senate were extended to Michael J. Aranson, Norbert Rebholz, Bethany Lutheran Church of Braddock, ELDER-ADO of Pittsburgh and to Vern's Electric by Senator Romanelli.

Congratulations of the Senate were extended to JoAnna Donaldson, Mr. and Mrs. Robert D. Finch, Mr. and Mrs. Samuel Robinson, Mr. and Mrs. James Gray, Mr. and Mrs. Carl Schoentag, Mr. and Mrs. W. F. Fleming, Mr. and Mrs. Elmer Rader, Mr. and Mrs. George K. Wilson, Mr. and Mrs. Harvey J. Daum, Jr. and to Mr. and Mrs. Frank Goliat by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. A. Pell Moyer, Keystone Service Systems, Incorporated and to the World Peace Wave by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Walter C. Hansen and to Mr. and Mrs. Dorwin Kerr by Senator Stout.

Congratulations of the Senate were extended to Norman James Weaver, Jamestown Paint and Varnish Company and to Hodge Foundry, Incorporated by Senator Wilt.

POSTHUMOUS CITATION

The PRESIDENT laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Hugh "Duffy" Daugherty was extended to the Northern Cambria School District by Senator Stewart.

BILLS ON FIRST CONSIDERATION

Senator REIBMAN. 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 889, 1132, 1133 and HB 459.

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE ALLEGHENY COUNTY BOARD OF ASSISTANCE

October 26, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Theresa Chalich (Democrat), 4928 Barberry Street, Pittsburgh 15207, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified, vice Dolores Ferguson, Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE ALLEGHENY COUNTY BOARD OF ASSISTANCE

October 26, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Clinton M. Hawkins (Democrat), 3408 Parkview Avenue, Apartment 33, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Alfred D. Reid, Jr., Pittsburgh, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE ALLEGHENY COUNTY BOARD OF ASSISTANCE

October 26, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James Franklin Henry (Democrat), 5978 Wallace Avenue, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified, vice Marguerite McGregor, Edgewood, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE ALLEGHENY COUNTY
BOARD OF ASSISTANCE

October 26, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles R. Stowell (Democrat), 459 Darrell Drive, Pittsburgh 15235, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Helen L. DeMay, Bethel Park, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

October 26, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Audrey Troutman (Democrat), 79 West Main Street, Mount Jewett 16740, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1987, and until her successor is appointed and qualified, vice James M. McKechney, Kane, resigned.

ROBERT P. CASEY.

BILLS INTRODUCED AND REFERRED

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

October 26, 1987

Senators CORMAN, WENGER, RHOADES, AFFLERBACH and STOUT presented to the Chair **SB 1134**, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled, as amended, "Real Estate Tax Sale Law," further providing for the distribution of moneys collected and for notice of distribution of moneys obtained from tax sales.

Which was committed to the Committee on LOCAL GOVERNMENT, October 26, 1987.

Senators CORMAN, WENGER, RHOADES, AFFLERBACH and STOUT presented to the Chair **SB 1135**, entitled:

An Act amending the act of December 17, 1986 (P. L. 1685, No. 197), entitled "An act providing that recorders of deeds may make additional charges for accepting certain documents," regulating sizes of documents accepted for recording.

Which was committed to the Committee on JUDICIARY, October 26, 1987.

Senators WENGER, AFFLERBACH and STOUT presented to the Chair **SB 1136**, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," authorizing the withdrawal

of accumulated deductions at retirement in not more than four installments.

Which was committed to the Committee on LOCAL GOVERNMENT, October 26, 1987.

Senators RHOADES, SALVATORE, AFFLERBACH, ANDREZESKI, HELFRICK and REIBMAN presented to the Chair **SB 1137**, entitled:

An Act providing for the allocation, administration and use of Federal Small Cities Community Development Block Grant funds.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, October 26, 1987.

Senators RHOADES, SALVATORE, REIBMAN, ANDREZESKI, PECORA, GREENWOOD and KELLEY presented to the Chair **SB 1138**, entitled:

An Act providing civil liability for false claims against the Commonwealth and local governments; authorizing actions by the Attorney General, district attorneys and other local government officials and private persons; providing for recovery of civil penalties and for double and treble damages from persons who make false claims and authorizing recovery of a portion of such penalties and damages by persons who report such claims; and providing relief from discrimination by employers against employees who report false claims.

Which was committed to the Committee on STATE GOVERNMENT, October 26, 1987.

Senators STAPLETON, MOORE, SHAFFER and PETERSON presented to the Chair **SB 1139**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for exemptions from the realty transfer tax.

Which was committed to the Committee on FINANCE, October 26, 1987.

Senators STAPLETON, MOORE, SHAFFER and PETERSON presented to the Chair **SB 1140**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," excluding from the authority to levy realty transfer taxes transfers to certain nonprofit associations or corporations organized for purposes of holding title to property and collecting income therefrom.

Which was committed to the Committee on FINANCE, October 26, 1987.

Senators STAPLETON, MOORE, SHAFFER and PETERSON presented to the Chair **SB 1141**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for exemptions from the realty transfer tax.

Which was committed to the Committee on FINANCE, October 26, 1987.

Senator BRIGHTBILL presented to the Chair **SB 1142**, entitled:

An Act amending the act of July 12, 1972 (P. L. 781, No. 185), entitled, as amended, "Local Government Unit Debt Act," further defining "project"; and including capital costs as project costs.

Which was committed to the Committee on LOCAL GOVERNMENT, October 26, 1987.

Senators FUMO, SALVATORE, BODACK, STOUT, HOLL, HANKINS, LYNCH, MELLOW, LINCOLN, STEWART, ZEMPRELLI, LOEPER and ROCKS presented to the Chair **SB 1143**, entitled:

An Act amending the act of July 1, 1937 (P. L. 2532, No. 470), entitled "Workmen's Compensation Security Fund Act," extending the act to certain insurers under the Longshore and Harbor Workers' Compensation Act.

Which was committed to the Committee on LABOR AND INDUSTRY, October 26, 1987.

Senators BELL, AFFLERBACH, LOEPER, KELLEY, ROMANELLI, REIBMAN and SCANLON presented to the Chair **SB 1144**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for expenditures for the emission inspection program.

Which was committed to the Committee on TRANSPORTATION, October 26, 1987.

Senators BELL, AFFLERBACH, LOEPER, KELLEY, ROMANELLI, REIBMAN, REGOLI and SCANLON presented to the Chair **SB 1145**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for expenditures for the emission inspection program.

Which was committed to the Committee on TRANSPORTATION, October 26, 1987.

Senators FISHER, STOUT, PECORA, STAPLETON, RHOADES, HELFRICK, REIBMAN, SALVATORE and WILT presented to the Chair **SB 1146**, entitled:

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto;....," further providing for insurance coverage for landslides occurring in coal or clay mining areas.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 26, 1987.

Senators STOUT, MUSTO, LYNCH and ROMANELLI presented to the Chair **SB 1147**, 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, October 26, 1987.

Senators RHOADES, REIBMAN, SHUMAKER, ROMANELLI, STAPLETON, STAUFFER, HELFRICK, STEWART, O'PAKE, MUSTO, LEMMOND, SALVATORE, AFFLERBACH, MADIGAN, ROCKS, STOUT, LYNCH, SCANLON, MOORE, WILLIAMS, MELLOW, HANKINS, BODACK, KELLEY, ROSS, WILT, LINCOLN, SHAFFER and REGOLI presented to the Chair **SB 1148**, entitled:

An Act providing for the regulation of the sale of shared campsites; requiring specific contract terms; and imposing civil penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 26, 1987.

Senators AFFLERBACH, STAPLETON, STAUFFER, MELLOW, O'PAKE, REIBMAN, ROMANELLI, FISHER, RHOADES, HELFRICK, STOUT and SALVATORE presented to the Chair **SB 1149**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, making it unlawful to leave an unattended child in a vehicle.

Which was committed to the Committee on TRANSPORTATION, October 26, 1987.

Senators ROMANELLI, SALVATORE, SHUMAKER, SCANLON and LINCOLN presented to the Chair **SB 1150**, entitled:

An Act providing for hiring priorities for employees of new railroad operations, for enforcement and for training assistance benefits; and providing further duties of the Department of Labor and Industry.

Which was committed to the Committee on LABOR AND INDUSTRY, October 26, 1987.

Senators SHUMAKER, REIBMAN and MADIGAN presented to the Chair **SB 1151**, entitled:

An Act amending the act of July 8, 1986 (P. L. 437, No. 92), entitled "Pennsylvania Agricultural Fair Act," further providing for the advisory committee.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, October 26, 1987.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 27, 1987

10:00 A.M.	LAW AND JUSTICE (to consider Senate Bill No. 1105 and House Bill No. 80)	Room 459, 4th Floor Conference Rm., North Wing
10:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 1072, 1109 and House Bill 824)	Senate Majority Caucus Room
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 1000, 1057, 1058, 1059, 1060, 1061, 1062, 1063 and 1064)	Room 460, 4th Floor Conference Rm., North Wing

11:30 A.M.	FINANCE (to consider Senate Bills No. 793, 900, 901, 902 and 1107)	Room 459, 4th Floor Conference Rm., North Wing
11:30 A.M.	JUDICIARY (to consider Senate Bill No. 943)	Room 461, 4th Floor Conference Rm., North Wing
off the floor	ENVIRONMENTAL RESOURCES AND ENERGY (to consider House Bill No. 1100, with amendments and Chapter 86 - Proposed Bonding and Insurance Self-Bonding Regulations (7-148))	Room 461, 4th Floor Conference Rm., North Wing
off the floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Committee Conference Room

WEDNESDAY, OCTOBER 28, 1987

10:00 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (Public Hearing on International Trade)	Room 461, 4th Floor Conference Rm., North Wing
10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to consider nomination of Otto F. Hofmann as a member of the PA Public Utility Commission)	Senate Majority Caucus Room

WEDNESDAY, DECEMBER 2, 1987

1:30 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to consider a proposal to deregulate certain portions of the telephone industry from PUC jurisdiction)	Senate Majority Caucus Room
-----------	---	--------------------------------

RECESS

Senator MOORE. Mr. President, for the benefit of the Members, we are waiting for bills to be reprinted for Supplemental Calendars and for that reason I request a temporary recess of the Senate.

The PRESIDENT. While we await the Supplemental Calendars, the Senate will stand in recess.

AFTER RECESS

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

THIRD CONSIDERATION CALENDAR BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1130 (Pr. No. 2373) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, limiting the defense of justification in certain cases; adding provisions relating to the establishment and operation of the Pennsylvania Commission on Sentencing; increasing the penalties for false reports to law enforcement authorities; making an editorial change; and making repeals.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—45

Afflerbach	Hess	Mellow	Scanlon
Armstrong	Holl	Moore	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Brightbill	Jubelirer	Peterson	Stauffer
Corman	Kelley	Regoli	Stewart
Fisher	Lemmond	Reibman	Tilghman
Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Williams
Greenwood	Loeper	Ross	Wilt
Hankins	Lynch	Salvatore	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 with amendments in which concurrence of the House is requested.

SUPPLEMENTAL CALENDAR NO. 2

THIRD CONSIDERATION CALENDAR BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 457 (Pr. No. 2374) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for

duties of certain officers," providing for the office of district attorney in cities and counties of the first class; further providing for salaries of part-time district attorneys; and making a repeal.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—42

Afflerbach	Hess	Mellow	Scanlon
Armstrong	Holl	Moore	Shaffer
Bell	Hopper	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Corman	Jubelirer	Peterson	Stewart
Fisher	Kelley	Regoli	Tilghman
Fumo	Lemmond	Reibman	Wenger
Greenleaf	Lewis	Rocks	Williams
Greenwood	Lincoln	Ross	Wilt
Hankins	Loeper	Salvatore	Zemprelli
Helfrick	Lynch		

NAYS—3

Brightbill	Rhoades	Stauffer
------------	---------	----------

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

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

ADJOURNMENT

Senator MOORE. Mr. President, I move the Senate do now adjourn until Tuesday, October 27, 1987, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:40 p.m., Eastern Standard Time.