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SESSION OF 1988

172ND OF THE GENERAL ASSEMBLY

No. 28

SENATE

TUESDAY, May 3, 1988.

The Senate met at 1:44 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, the Reverend Mr. MARK DAVIS, of Plain Grove Presbyterian Church, Slippery Rock, offered the following prayer:

Mr. President, ladies and gentlemen of the Senate, honored visitors: Let us pause for a moment of reflection and let us pray.

Most merciful God, we have known You as a God of peace, and yet our own efforts in this area have been so feeble and few. You have permitted us to see and to know something of the beauty of Your creation. We have seen and known also the tragedy of its destruction by war and needless waste. Help us to discern our need for a new community at peace and in harmony with nature and humanity. Permit us, Lord, to see the day when refugees will no longer have to wander across the face of this earth because they are not accepted by our standards. Permit us, Lord, to see the day when children will no longer become orphans because of the ever-increasing violence in the family. Lord, help us to rebuild a world which has been lost to our vision: a world of peace and love; a world undefiled by carelessness and needless waste.

Guide our efforts, most loving Lord, so that what we do and what we say may be reflected in Your love for us.

Let us be about our tasks until they are completed, bearing in mind that the foundation which we lay this day, by our actions and by our measures, will be the buildings of our children and their grandchildren after them.

Guide us, Lord, calm our frustrations and anxieties. Let us speak and act with understanding and love and not with envy and anger, and enable us to carry forth until their completion, these overtures and measures laid before us this day.

For this we pray in the name of the most high God. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 2, 1988.

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.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1072**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

BILLS INTRODUCED AND REFERRED

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

May 2, 1988

Senators SALVATORE, FUMO and JONES presented to the Chair **SB 1394**, entitled:

An Act amending the act of April 12, 1957 (P. L. 61, No. 34), entitled "An act authorizing and empowering the Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, to appoint policemen;....," further providing for the jurisdiction and authority of police officers.

Which was committed to the Committee on LAW AND JUSTICE, May 2, 1988.

Senator FUMO presented to the Chair **SB 1395**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for sentencing and increasing penalties for trafficking drugs to minors.

Which was committed to the Committee on JUDICIARY, May 2, 1988.

Senators PETERSON and WILT presented to the Chair **SB 1396**, entitled:

An Act establishing a quality incentive program for nursing home improvement; providing further duties of the Department of Public Welfare; and establishing the Nursing Home Quality Advisory Board.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 2, 1988.

Senator SALVATORE presented to the Chair **SB 1397**, entitled:

An Act providing authority for municipal homesteading and the procedure for establishing a municipal homesteading program; expanding local government's authority in dealing with blight and decay; and providing exclusions from certain statutes.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, May 2, 1988.

CHANGE IN STANDING COMMITTEE OF THE SENATE

The PRESIDENT pro tempore. As President pro tempore of the Senate and upon the recommendation of the Minority Leader, I hereby appoint Senator William J. Stewart to serve as a member of the Committee on Consumer Protection and Professional Licensure to fill the vacancy caused by Senator Freeman Hankins' absence. The appointment is temporary.

REPORTS FROM COMMITTEES

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

SB 507 (Pr. No. 2003) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and providing a penalty.

SB 622 (Pr. No. 2004) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the possession and dissemination of photographs and films of prohibited sexual acts of a child under the age of 16 years.

SB 1259 (Pr. No. 2005) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting sexual abuse of children; and further prohibiting the possession of depictions of prohibited sexual acts.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

HB 265 (Pr. No. 3216) (Amended)

An Act providing for the Office of Small Business Advocate in the Office of Attorney General; providing for the powers and duties of the Office of Small Business Advocate and the Pennsylvania Public Utility Commission in relation thereto; and making a temporary appropriation.

HB 1899 (Pr. No. 3217) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for rates.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Helfrick and Senator Salvatore and also Senator Tilghman who is being called from the floor to his office.

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Helfrick, Senator Salvatore and Senator Tilghman.

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Jones.

The PRESIDENT pro tempore. Senator Stapleton has requested a temporary Capitol leave for Senator Jones. The Chair hears no objections to any of the leaves and the leaves are granted.

LEAVES OF ABSENCE

Senator STAPLETON asked and obtained leaves of absence for Senator FUMO and Senator HANKINS, for today's Session, for personal reasons.

SENATE RESOLUTION

DESIGNATING MAY 7, 1988, AS "BARRIER AWARENESS DAY" IN PENNSYLVANIA

Senators RHOADES, SHUMAKER, O'PAKE, STOUT, PECORA, ROMANELLI, GREENLEAF, REGOLI, AFFLERBACH and ANDREZESKI offered the following resolution (**Senate Resolution No. 184**), which was read as follows:

In the Senate, May 3, 1988.

A RESOLUTION

Designating May 7, 1988, as "Barrier Awareness Day" in Pennsylvania.

WHEREAS, It is estimated that 80% of Pennsylvania residents will experience some form of disability during their lifetime; and

WHEREAS, On a national basis, some 36,000,000 Americans suffer from some form of disabilities, many of which are permanent; and

WHEREAS, Many persons who are not disabled do not understand and appreciate the full effect of living with a disability; and

WHEREAS, We must become more aware of the barriers that prevent or inhibit so many of our fellow Pennsylvanians from participating fully in life, leisure and work activities, and how much more they could contribute if these obstacles were removed; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania designate May 7, 1988, as "Barrier Awareness Day" in Pennsylvania; and be it further

RESOLVED, That the Governor be requested to issue a proclamation calling upon the people of the Commonwealth of Penn-

sylvania to observe that day with appropriate ceremonies and activities.

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

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 184, ADOPTED

Senator RHOADES. Mr. President, I move that the Senate do adopt Senate Resolution No. 184.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

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

NAYS—0

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Jones and Senator Salvatore and their Capitol leaves are hereby cancelled.

GUESTS OF SENATOR ANTHONY B. ANDREZESKI PRESENTED TO SENATE

Senator ANDREZESKI. Mr. President, in our gallery today I have a group of students from Iroquois High School, and they are the Future Nurses Club at Iroquois High School. They are here visiting the Capitol, and they have been out to the Hershey Medical Center. Also, I would like to add that when we have a lot of groups come here to the Capitol, it is, for most of them, a short day trip. These young men and women and their sponsor left at 2:00 o'clock this morning to visit our Capitol. If they could be introduced, we could give them our customary welcome.

The PRESIDENT pro tempore. Would those weary guests of Senator Andrezeski, if you can, please rise so we may give you a very warm welcome and recognize you.

(Applause.)

BITUMINOUS COAL QUEEN OF 1987 PRESENTED TO SENATE

The PRESIDENT pro tempore. We have a special guest who is here representing the Keystone bituminous coal industry. For a very special introduction, the Chair is pleased to welcome the gentleman from Fayette, the Democratic Whip, the Honorable William Lincoln.

Senator LINCOLN. Mr. President, I am pleased to introduce a special guest to the Senate today. For the past thirty-four years, the King Coal Association of Carmichaels, Greene County, has been selecting a young lady to represent the bituminous coal industry.

During the Coal Queen competition last August, the 1987 Pennsylvania Bituminous Coal Queen was crowned. Senator Stout and I are pleased that the lovely Lori Bierbower can be with us today. She is a resident of Uniontown, which is part of the Thirty-second Senatorial District. Her parents, Richard and Judy Bierbower, are with her. She is also accompanied by Miss Connie Morris, the Chairperson for the Coal Queen Pageant and the District Magistrate from Greene County, Emil Bertugli.

At this time I would ask that they stand to be recognized.

(Applause.)

Senator LINCOLN. Earlier today, Lori met with Governor Casey and was recognized by the House of Representatives. This evening she will be honored at a dinner hosted by the Keystone Bituminous Coal Association.

Miss Bierbower is a senior at the Uniontown Area High School and president of her class. Her school activities include the Letterman's Club, tennis team and yearbook staff. She is a member of the National Honor Society and was elected to the homecoming court. She has studied dance since she was two years old with the Lorraine Susa Dance Studio, and during the coal queen talent competition, Lori performed a jazz dance to "Breakin' II."

Mr. President, at this time I would ask that the Senate extend its usual warm welcome to Miss Lori Bierbower, the 1987 Pennsylvania Bituminous Coal Queen.

The PRESIDENT pro tempore. Lori, if you will come forward, we would be delighted to hear a few words from you and invite you to speak to the Members of the Senate. At that point, we will certainly give you a very warm welcome.

Miss BIERBOWER. Good afternoon. I thank you for the unique opportunity to speak before you today. As I stand here, I represent a very significant and charismatic group of individuals. In 1953, these men of whom I speak gathered together to try to diminish the plight of the coal industry upon their community. Through this assembly the King Coal Association and the Annual Pennsylvania Bituminous Coal Show originated. The coronation of the state Bituminous Coal Queen has become a prominent event of this festival.

My initial knowledge of coal manufacturing began when I witnessed my great grandfather's devotion to his occupation as a coal miner. I was always amazed at how he willingly centered his life around the success or failure of this fluctuating industry. I can only hope that my reign as the 1987 Coal

Queen will in some way make a small contribution to the many sacrifices and endeavors of not only my great grandfather, but also the hundreds of others affiliated with coal production. I know I am very proud to represent an industry so abundant with tradition and so much a part of my heritage.

Recently, however, many complications have been inflicted upon the coal industry, both externally and internally, and it has not been able to profit from the prosperity it once experienced. Pennsylvania coal cannot be allowed to continue to suffer and eventually to become extinct. We must not only refer to our success due to the knowledge we have gained, but we must also refer to our decline due to the mistakes we have made. We are obligated to rejuvenate an industry and its people who have aspired that the coal industry may endure generation after generation. Thank you.

(Applause.)

The PRESIDENT pro tempore. The Chair thanks Lori and appreciates her very timely remarks and wishes her much success. She is obviously an extraordinary, outstanding, young person who has distinguished herself, her family and her community by the many honors she has received.

LEGISLATIVE LEAVE CANCELLED

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

RECESS

Senator STAUFFER. Mr. President, I request a recess of the Senate until 3:30 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 3:30 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

SB 658 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1210 (Pr. No. 1999) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for loans as an incentive to foreign exports; conferring powers and duties on the Department of Commerce; establishing a fund; providing penalties; and making an appropriation.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Lincoln and Senator Bodack.

The PRESIDING OFFICER. Senator Mellow requests temporary Capitol leaves for Senator Bodack and Senator Lincoln. The Chair sees no objection. The leaves may be granted.

Senator STAUFFER. Mr. President, I would request a temporary Capitol leave for Senator Fisher.

The PRESIDING OFFICER. Senator Stauffer requests a temporary Capitol leave for Senator Fisher. Are there any objections? The Chair sees none. The leave will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. The Chair notes that Senator Tilghman is now on the floor of the Senate and his leave will be cancelled.

And the question recurring,
Shall the bill pass finally?

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

Senator KELLEY. Mr. President, would the gentleman from Butler, Senator Shaffer, consent to interrogation on Senate Bill No. 1210?

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

Senator SHAFFER. I will, Mr. President.

Senator KELLEY. Mr. President, for purposes of legislative intent and establishing a legislative history, I wonder if the gentleman would be so kind as to explain, particularly on page 3, certain parameters or limitations to the words that are used, namely on line 15, where we said that the money received may only be used as "(i) Export expenses." Does that "export expenses" have any meaning to the transfer, the total cost of shipment of goods produced from the time and placement of manufacture in the Commonwealth to its point of destination out of the country?

Senator SHAFFER. Mr. President, the anticipation in the gentleman's statement would be correct, that those kinds of costs could—and I emphasize and underline the word "could"—be considered export expenses. I would only add for edification that we do expect that the regulations, which will be written by the Department of Commerce and must be approved by this Body, will further define how strict or how lenient we are in covering such export expenses.

Senator KELLEY. Mr. President, on line 21, we further say "Sales promotion costs." Would they be restricted to sales promotion costs only expended outside of the United States of America?

Senator SHAFFER. Mr. President, what line is that? Line 21 says "Commercial and Legal Costs."

Senator KELLEY. Mr. President, on line 21 of mine. I am dealing with Printer's No. 1999.

Senator SHAFFER. Mr. President, this is Printer's No. 1684.

Senator KELLEY. Mr. President, as I understand it, we are dealing with Senate Bill No. 1210, Printer's No. 1999.

Senator SHAFFER. Mr. President, maybe I can find it. If the gentleman can restate the question, I will try to find it.

Senator KELLEY. Mr. President, it should be the line immediately preceding "Commercial and legal costs," that would be "Sales promotion costs." Would that be restricted to only those sales promotion costs expended outside of the United States of America?

Senator SHAFFER. From the language, Mr. President, my belief is you cannot tell whether or not the funds expended would be only outside or inside or both of the borders of the United States. The anticipation of the maker of this legislation is that the costs would be for those expenses outside the United States.

Senator KELLEY. Mr. President, that is precisely the purpose of my interrogation and that is to establish the intent so when the regulations are drafted by the department and they are in application, it will be very clear to the producers and manufacturers in the Commonwealth who would be participating in this program, that those sales promotion costs would only be usable for the funds received and this program would only be those sales promotion costs expended for so-called foreign commerce or foreign markets. Is that correct, Mr. President?

Senator SHAFFER. That is correct, Mr. President.

Senator KELLEY. Mr. President, going to the next line, line 22, it says "Commercial and legal costs." Would it likewise be the same contemplation and intent that the commercial and legal costs covered would be only those expended for purposes of a foreign market, i.e., out of the United States of America. Is that correct?

Senator SHAFFER. Yes, Mr. President, that is correct.

Senator KELLEY. Mr. President, further, would the gentleman explain what he contemplates by the use of the word "commercial" in regard to line 22? I have a good comprehension of legal costs, but I am not sure I understand the meaning of the word "commercial" in that regard.

Senator SHAFFER. Mr. President, my recollection is that word appears because of legal counsel which for some reason believed there was a gray area between sales promotion and legal costs that would be adequately covered by using the term "commercial." I have no recollection that term is specifically used by the prime sponsor of the bill for any particular purpose.

Senator KELLEY. Mr. President, proceeding farther down to page 3, to line 28, we are now dealing with matters which may not be attributable or used to set off the monies used from this program, and we are talking about "Market research." Mr. President, is it correct, therefore, in reading line 28 in relationship to the other parts of the bill, that the market research that would be done by a potential participant in this program would be solely and exclusively paid from his or the corporation's resources and not be attributable to reimbursement?

Senator SHAFFER. That is accurate, Mr. President.

Senator KELLEY. And that is the intent of the bill, is that correct, Mr. President?

Senator SHAFFER. That is correct, Mr. President.

Senator KELLEY. Mr. President, going over to and dealing with line 30 on the bottom of page 3 and going over on page 4, it sets forth a three-year repayment, but if a participant does not make any substantial export sales, they are relieved of this responsibility of repayment. Is that correct, Mr. President?

Senator SHAFFER. That is correct, Mr. President.

Senator KELLEY. Mr. President, could the gentleman for legislative history purposes give some input as to the contemplation of "substantial." The gentleman said the department will be drafting regulations, but when we talk about substantial export sales, are we talking about any relationship of total sales of that particular participant in this country or elsewhere or what in relationship to that contemplation?

Senator SHAFFER. Mr. President, the only answer I can give the gentleman is that the term "substantial," at least as I recollect it from law school, has a reasonably defined meaning and has been defined time and time again in the courts. Depending on the circumstance, clearly, the meaning of the term can vary. I cannot give the gentleman any clearer understanding of what the word "substantial" means than he probably already knows.

Senator KELLEY. Given that answer, Mr. President, on page 4, lines 19, 20 and 21, it restates the concept without the use of the word "substantial." I wonder if the gentleman, again giving legislative intent, could elaborate. Lines 19, 20 and 21 read, "This subsection shall not apply if a recipient does not make any export sales during those three years." I am apprehensive that a court reading these two sections, one having the word substantial sales and the other just export sales, what the reaction would be.

Senator SHAFFER. Mr. President, the gentleman's point is probably well taken and, indeed, there may be an error in drafting which he has definitely pointed out. We would be happy to take a look at that today if he would insist. I would prefer we would pass the bill without waiting for an additional amendment, which would take some time and delay, but request that that matter be considered by the House Business and Commerce Committee. I would be happy to join the gentleman in that request.

Senator KELLEY. Mr. President, I appreciate the gentleman's consideration. I have no desire to withhold the progress of this bill, and as long as the main sponsor would anticipate

that certain changes or consideration would be given by the other Body, I respect that and would join with him on that.

I have one other question, Mr. President. That is, on line 5 and line 6 on page 4, in dealing with a lien, it says, "A loan awarded under this section shall not constitute an equitable lien." My recollection in law school was that I did not know how a lien could be anything else but equitable. I wonder if the gentleman could explain that, and if we, again, have some difficulties, we could also refer to the other Body paying some attention to that.

Senator SHAFFER. Mr. President, I appreciate the gentleman's thought. My only recollection as to the word "equitable" is that was a provision that was inserted at the urging of several local industrial development authorities around the state. I must confess that at this particular moment in history, I cannot recall the reason for that, but the gentleman's point, again, is well taken. I would be most pleased to go through our history and find out the reasoning for the word "equitable" and why equitable liens will not apply in this case.

Senator KELLEY. Mr. President, on the bill, I certainly agree with the spirit. We all certainly want to encourage every opportunity for employment in this Commonwealth. That would mean expanding the markets and any way we could assist governmentally, we would want to join in doing so. I commend the gentleman for his willingness to participate in his sentiments to the other Body that they may clarify some of these matters we brought up.

Senator BELL. Mr. President, I have no questions of the sponsor. I want to make a statement.

I am going to vote against this bill. As the Vice-Chairman of the Committee on Appropriations, I sat through, I think it was, nine days of hearings. I observed that the Casey budget has shortchanged mental health and mental retardation. This bill would provide \$500,000, which is just \$100,000 more than the Casey budget gives to the State Police and they are short 440 troopers. I listened to the Commissioner of Corrections, who needs 500 more prison guards, and he was told he could only have eighteen because of money. Today I had a visit from presidents of community colleges who said they were shortchanged and they need more money. I am just going to follow general policy. If I am going to criticize the Casey Administration for its budget, I do not think with the other hand I should be voting for new programs until such time as what I think are essential services are funded. What might be essential to me may not be essential to another Senator. I do not presume unto myself to be Almighty God and know what is good for all the Commonwealth. I do not think anybody in here can do that, but I do know I need state troopers in my district to knock out the drug trade. I would like to put some of that into export business instead of being imported. I need troopers in my district to put on the interstate highway system where we have no troopers. I need to know there are not going to be prison riots in our prisons. I need to know that our colleges get adequate funds. There are so many things out there that I am not going to be boxed into a box where one of my colleagues on the other side says you are giving this

\$500,000 or you did give it and now who are you going to cut back? That is why I am voting "no." I am not criticizing the bill. Maybe another day and another time I might vote for it, but until we adopt the budget for next year—and this is spending \$500,000 from next year's budget—I am going to take a solid position of voting "no" on all new programs.

Senator SHAFFER. Mr. President, I would like to speak just briefly on Senate Bills No. 1210, 1211, 1212, 1213 and 1214, with the understanding that Senate Bill No. 1215, which is also originally a part of this package, has been held back. Additionally, I want to thank the gentleman from Westmoreland, Senator Kelley, for his unusually insightful comments, and this legislation will probably be the better for it.

Historically, Mr. President, we have not had much discussion in this Chamber or, indeed, in the House on international trade and exporting, particularly exporting incentives for small and medium-sized Pennsylvania manufacturers, because over the past 200 years the greatest market for our goods has been North America, the greatest market in the world and, indeed, it continues to be the greatest market in the world, which is our own backyard. However, as adversity is the mother of invention, we have decided in the last eight years, with the economic downturn, particularly those of us who are in western Pennsylvania and have seen the demise, as we have known it, of the primary metals industry, particularly steel manufacturing in the late 1970's and early 1980's, we have seen we must no longer sit on our laurels. We must challenge the world, we must allow manufacturers from this state and this region of the country to compete effectively, if we can. There are certain things we know we cannot do and that the state government has no control over. Certainly, one is the strength of the American dollar vis-a-vis foreign currencies. When the dollar is particularly strong it makes it very, very difficult for anyone else to afford our products. We here in Harrisburg have little to do with that. The federal deficit, Mr. President, and the impact that huge federal deficit has on interest rates greatly affects the ability of American businesses to borrow, to form capital and to produce additional goods. There, again, the deficits that are being run in Washington, D.C., tragic as they are, are not items over which we have enormous control, and, certainly, the trade barriers which exist, particularly by the Japanese and other countries against American goods, as heinous as they are and as much as we find them reprehensible, we must leave that to our fellows in Washington, D.C. to take care of.

In any event, we think we do have a role, and the five bills here today, I believe, are a very good beginning. We have taken the export incentives that are parts of packages from all other states. We have seen what the other forty-nine states do. We think these five bills, originally six bills, if they are enacted and if they are funded—and by the way, the entire total funding as projected by the Committee on Appropriations, if all of these bills are enacted, the initial deficit to the treasury is going to be about \$750,000, Mr. President, and I believe the potential increase in taxes that we can exact from Pennsylvania businesses that increase their manufacturing

goods because of exporting, clearly will far outweigh any modest increase in the size of the state government because of the passage of these bills.

Senate Bill No. 1210 will encourage small businesses to develop foreign markets by providing state loans for export expenses such as overseas office accommodations, overseas staff sales promotion costs and overseas warehousing expenses. Small Pennsylvania businesses—and by that I mean generally those businesses which employ 500 or fewer people—cannot afford to tap the overseas market.

The Pennsylvania Trade Fair Assistance program, Mr. President, is Senate Bill No. 1211, and that will provide state matching grants to small businesses to help defray certain expenses incurred by attendance at international trade fairs. As a matter of fact, Mr. President, I have two small ceramics companies in Butler County, both of whom tell me that for them to attend what is the premier Ceramics International Trade Show in Japan is in excess of \$10,000. Small companies with fifty to seventy-five employees with relatively thin profit margins cannot afford to send more than one person, indeed, in many cases, even one person to these international trade shows. They are essential, though, if we want to export. To export you have to be involved in international trade shows.

Senate Bill No. 1212 is the International Trade Council bill. We have no focus group, Mr. President, no single voice for international trade in Pennsylvania. If the International Trade Council is adopted, as I believe it should be, there will be that focus, and a report must be written highlighting the international trade issues and submitted to the General Assembly and to the Governor's Office once a year.

Senate Bill No. 1213 is the Shared Foreign Sales Corporation Act. Basically, that would allow certain Pennsylvania small manufacturers who are taking part in the federal tax exemption program, which has been allowed by the federal Congress since 1984, to also get a tax break for exporting as far as paying the corporate net income tax for Pennsylvania.

The last bill we are going to consider today, Mr. President, is Senate Bill No. 1214, the Capital Loan Fund. We have found that our Capital Loan Fund restricted the amounts of money available for loans for exporting to only \$100,000. The cap for the number of employees was fifty. We found that was unrealistically low. By this amendment, we are raising the cap to \$200,000, the maximum loan, or 50 per cent of the project, and companies with employment up to 500 employees will now be eligible. Will this cause a riotous increase immediately in jobs for Pennsylvanians? No, Mr. President, I am sorry, it will not. Indeed, in the maze, in the puzzle of economic development, we believe this will put us on the cutting edge and clearly in the forefront of all fifty states in economic development, vis-a-vis exporting. Thank you, Mr. President. I urge, obviously, an affirmative vote on each of these bills.

Senator LEWIS. Mr. President, I rise to applaud in concept the efforts of the gentleman with regard to international trade. I think he has eloquently identified the opportunities and the need for us to take an initiative in Pennsylvania with regard to the expanding international markets. I believe this

General Assembly has an important role to play in that effort, because not only is it important to establish objectives but to have a continuity that can bridge across administrations and chief executives, and I think the General Assembly is the place and the mechanism for accomplishing that.

I also want to rise in support of two of the programs identified by the gentleman. The Capital Loan Fund, I think, can have great value. I believe the Joint Trade Council concept can also be of value. But, I have a difference of opinion with regard to Senate Bill No. 1210 and Senate Bill No. 1211. First of all, with regard to the concept of providing money for advertising, I have the opinion that for us to do that in the fashion outlined in this bill would have no impact and be little more than a waste of money with the false delusion being offered that something might be accomplished as a result of the effort. I do agree that a trade effort, that a marketing effort, is absolutely essential, but I think if all we are doing is providing some dollars for each company in its own way to try to make a small splash in a large pond, we are going to miss the mark terribly. What we need to do, I believe, is to organize and adequately fund a joint and cooperative marketing effort under the auspices of the Commonwealth in which we try to marshal the advantage of larger quantities of marketing and advertising dollars in a way that cannot only gain some attention but some longer term impact upon the markets we identify as being potential sources for our trade products.

Secondly, with regard to the concept of trade fairs, I do not doubt that they are very valuable tools in the overall marketing scheme, but, again, in terms of the involvement of state government and the expenditure of state dollars, I dare think that all we propose to do under this kind of a concept is to open up an opportunity for junketeering. I think there is no adequate mechanism by which we can police or administer or determine the appropriateness or the usefulness of providing dollars for people to attend trade fairs. So, while in concept the utilization of those mechanisms may have benefit, I think we need to find some other way to appropriately protect the taxpayers' dollars if we think that is an area in which we should be involved at all. Quite frankly, I am not sure that it is.

Again, as I said, I believe the objective the gentleman is pursuing is laudatory. I do want to join with him in supporting the two bills I mentioned, but I think Senate Bill No. 1210 and Senate Bill No. 1211 are misdirected, and I would urge a negative vote with respect to each of those.

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Helfrick has been called from the floor and I would ask for a Capitol leave on his behalf.

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

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

The PRESIDENT. Senator Mellow requests temporary Capitol leave for Senator Stout. 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 Fisher. His temporary Capitol leave will be cancelled.

And the question recurring,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—4

Afflerbach	Bell	Jones	Lewis
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A constitutional majority of all the Senators having voted “aye,” the question was determined in the affirmative.

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

SB 1211 (Pr. No. 2000) — The Senate proceeded to consideration of the bill, entitled:

An Act providing grants to Pennsylvania businesses participating in international trade fairs; and making an appropriation.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, Senator Jones, Senator Musto and Senator Stapleton have been called from the floor and I request temporary Capitol leaves for the three of them.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Jones, Senator Musto and Senator Stapleton. The Chair hears no objection. The leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—4

Afflerbach	Bell	Jones	Lewis
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A constitutional majority of all the Senators having voted “aye,” the question was determined in the affirmative.

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

SB 1212 (Pr. No. 2001) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania International Trade Council and conferring powers and duties upon it.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 1213 (Pr. No. 1687) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the development of shared foreign sales corporations; providing tax exemptions for these corporations; and conferring powers and duties on the Department of Commerce and the Department of Revenue.

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—48

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

NAYS—0

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

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

SB 1214 (Pr. No. 1688) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," further defining "small business enterprise"; and further providing for loan eligibility, terms, conditions, applications and administration.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—47

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

NAYS—1

Bell

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

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

BILL OVER IN ORDER

SB 1215 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SB 658 CALLED UP

SB 658 (Pr. No. 1922) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

SB 658 (Pr. No. 1922) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

SHUMAKER AMENDMENT

Senator SHUMAKER, by unanimous consent, offered the following amendment No. A2000:

Amend Sec. 1 (Sec. 1333), page 2, line 20, by inserting after "notice.": If the parent, guardian, or person in parental relation, charged with a summary offense under this subsection, shows that he or she took every reasonable step to insure attendance of the child at school, he or she shall not be convicted of the summary offense.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

O'PAKE AMENDMENT

Senator O'PAKE, by unanimous consent, offered the following amendment No. A1445:

Amend Title, page 1, line 6, by removing the period after "truancy" and inserting: ; and further providing for background checks of prospective employees.

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

Section 1. Section 111 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a subsection to read:

Section 111. Background Checks of Prospective Employees.—

(i) Notwithstanding subsections (b) and (c), administrators of public and private schools, intermediate units and area vocational-technical schools may employ persons to fill temporary employe positions and professional employe positions, and may employ substitutes to fill vacancies created by temporary professional employes or professional employes on approved leaves of absences provided for by this act or the collective bargaining agreement, without receiving the required criminal history record information so long as the information is received within thirty (30) days of the date of employment, or, for out-of-state persons, so long as the information is received within ninety (90) days of the date of employment, provided that all of the following conditions are met:

(1) The applicant has applied for the information required under subsection (b) or (c), and the applicant provides a copy of the appropriate completed request forms to the administrator.

(2) The administrator has no knowledge of information pertaining to the applicant which would disqualify him from employment pursuant to subsection (e).

(3) The applicant swears or affirms in writing that he is not disqualified from employment pursuant to subsection (e).

(4) If the information obtained pursuant to subsection (b) reveals that the applicant is disqualified from employment pursuant to subsection (e), the applicant shall be dismissed immediately by the administrator.

Amend Sec. 1, page 1, lines 9 and 10, by striking out all of said lines and inserting:

Section 2. Section 1333 of the act,

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

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

ZEMPRELLI AMENDMENT

Senator ZEMPRELLI, by unanimous consent, offered the following amendment No. A1836:

Amend Sec. 1 (Sec. 1333), page 3, lines 1 through 3, by striking out "DISTRICT" in line 1, and all of lines 2 and 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

AFFLERBACH AMENDMENT

Senator AFFLERBACH, by unanimous consent, offered the following amendment No. A1917:

Amend Title, page 1, line 6, by removing the period after "truancy" and inserting: ; and providing for individual transition plans for handicapped students.

Amend Bill, page 3, line 13, by striking out all of said line and inserting:

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

Section 1383. Individual Transition Plans.—(a) An individual transition plan shall be developed for students who are all mentally, physically or multiply handicapped as defined in the regulations and standards of the State Board of Education. The plan shall be developed within ninety (90) school days of the student's fourteenth birthday.

(b) The individual transition plan shall be developed by an interdisciplinary team.

(1) The interdisciplinary team shall consist of at least one but no more than two representatives of each of the following:

(i) The school district in which the student resides.

(ii) The intermediate unit in which the student resides.

(iii) The area vocational-technical school, if the child resides in its attendance area.

(iv) Parents.

(v) Students.

(2) Based on the individual needs of the students, the following agencies should be represented on the interdisciplinary team:

(i) The Department of Health.

(ii) The Office of Mental Retardation.

(iii) The Office of Mental Health.

(iv) The Office of Vocational Rehabilitation.

(v) An approved private school, when the student is enrolled in the institution.

(c) If any of the agencies or organizations listed in subsection (b) are reorganized or discontinued, their successor organizations shall appoint representatives with the same responsibilities and duties.

(d) The individual transition plan shall include, but not be limited to, the following:

(1) Assessment of the student and family preference for service and support after graduation.

(2) Preparation for participation in the adult community.

(3) Opportunity for community-based training and job training in real work settings and vocational and functional living skills as preparation for employment, continued training and independent living within the community. Functional living skills shall include self-care skills such as money management, banking, cooking, cleanliness and personal hygiene, human sexuality, communication and social skills and the use of public transportation.

(4) Information for the student and parents or guardians on services and programs for disabled adults, how to apply for such programs and contact or resource persons in such programs.

(5) Management plan, including goals and activities, responsibilities, timeliness and measures of achievement.

(6) An increase in interaction with nonhandicapped individuals.

(e) The plan shall be reviewed by the interdisciplinary team at least every two (2) years, until the student reaches eighteen (18) years of age. Thereafter the plan shall be reviewed annually until the student graduates or reaches twenty-one (21) years of age. Parents shall receive copies of all information pertaining to the individual transition plan prior to the scheduled meeting.

(f) Parents or guardians shall be informed of, and requested to attend, all meetings as part of the interdisciplinary team in order to participate in the development of the individual transition plan. The parent or guardian and the student shall be provided with a written individual transition plan stating the services to be provided as required under subsections (b) and (d).

(g) The individual transition plan shall be developed in conjunction with the individual education program, adopted pursuant to the regulations and standards of the State Board of Education.

(h) The State Board of Education is authorized to develop regulations and standards pursuant to the provisions of this act. The Secretary of Education shall be responsible for implementing the regulations, standards and provisions of this section.

(i) The heads of the following agencies shall participate in the development of an interagency agreement on individual transition plans: the Department of Education, the Department of Health, the Department of Labor and Industry, the Department of Public Welfare and the Department of Transportation. The agreement shall include all of the following:

(1) Each agency's role in developing an individual transition plan.

(2) The manner of determining the membership of the interdisciplinary team for each handicapped student.

(3) The manner of participation by parents and guardians.

(4) The manner of participation by students.

(5) The method of coordination of development and implementation of an individual transition plan at the local level.

(6) Provisions for the preparation of an annual report to the Governor and the General Assembly reviewing and analyzing the status and success of transition from school to work and community life during the year.

(7) Other provisions deemed appropriate by the agencies.

Section 3. This act shall take effect as follows:

- (1) Section 2 (Section 1383) shall take effect in 180 days.
- (2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

Senator AFFLERBACH. Mr. President, this amendment represents the culmination of several years of work and public hearings by Members of the General Assembly, as well as advocates for the various handicapped and disabled organizations throughout Pennsylvania. The amendment establishes as a matter of law the development of an individual transition plan and would apply to those students who are either mentally or physically or multiply handicapped. The individual transition plan was requested by many individuals throughout the Commonwealth who are handicapped or have handicapped members of their family attending the public school system or the approved private school system.

Under present Pennsylvania law, as you know, the individual student is guaranteed a right to education up to age twenty-one or until they graduate from high school, whichever occurs first. The difficulty that we found throughout the Commonwealth during five public hearings was when the handicapped student reaches age twenty-one and then leaves the public school system, there is no formal planning process in place to move that student from the school system to the adult community. Consequently, many of these individuals in whom we have invested considerable resources to train and to educate to the degree possible are now left to sit at home without any additional training or facilities and services made available to them, simply because of poor planning. This amendment attempts to remedy that. It establishes the individual transition plan to begin at age fourteen and to be reviewed every two years thereafter until the student reaches age eighteen, after which the plan is to be reviewed on a yearly basis so that when a student leaves the system at age twenty-one, or hopefully before that, the plan will be in place to continue the adult services necessary.

The amendment also includes a provision that the individual transition plan shall be developed in conjunction with the individual education program. This is a particularly important part of the amendment because the individual education program is already in place and is already conducted in exactly the same fashion as we would ask the individual transition plan to be conducted and to be construed. The amendment goes on to state specifically who the team members shall be to develop the plan and what considerations shall be taken into account while the plan is being developed. Interestingly enough, the amendment is also drawn and has been refined through the help of a number of advocacy organizations, as well as the Department of Education, so that it carries an anticipated cost in the words of the Department of Education of zero to minimal. Indeed, the fiscal note I have received from the department says that there is, frankly, no way we can think of to generate a clear cost estimate. The following background information might be useful, however. The

department goes on to explain that all handicapped children in the present system are already within the scope of the individual education plan, and so long as that is operated in conjunction with the development of the individual transition plan, the cost should be negligible, and so on, and so forth.

I would urge my colleagues to support this proposal. It is not often that we have the opportunity to formalize a procedure with very little, if any, additional cost to the Commonwealth and a procedure that is extremely important to the handicapped and their families in Pennsylvania.

Senator RHOADES. Mr. President, I desire to interrogate the gentleman from Lehigh, Senator Afflerbach.

The PRESIDENT. Will the gentleman from Lehigh, Senator Afflerbach, permit himself to be interrogated?

Senator AFFLERBACH. I will, Mr. President.

Senator RHOADES. Mr. President, in terms of developing the iep, the individual education program, we are doing that from fourteen to eighteen, and that would continue on from eighteen to twenty-one when you have them in school. How is that going to be different from, shall we say, that job training or that future training you want to do for the handicapped?

Senator AFFLERBACH. Mr. President, as you know, the individual education program deals with the specific training of the student while they are in the school system, either the public school system or the approved private school system, up until they reach age twenty-one. The individual transition plan would be geared to putting into place a plan of training and services for that individual when they reach age twenty-one and leave the public school system. In other words, we are looking at the adult services rather than at the services presently provided in the school system.

Senator RHOADES. Mr. President, will that plan be in terms of an iep? That is the first question. The second part is, is that for training or job-related training? The third question is, is that an attempt to put them into industry or into positions?

Senator AFFLERBACH. Mr. President, the answer to all three questions is, yes. It will be conducted and formulated much in the same vein as the iep is, and that is why we specifically state that it must be done in conjunction with the existing iep. Secondly, the things which will be taken into consideration are enumerated in the amendment and, as you will note, they are all geared to trying to maximize the potential of the individual handicapped person, specifically to the extent that is possible to help them become a productive citizen, and that, of course, would be in the work force, whether it is in supportive training or in the general nonsupportive work force.

Senator RHOADES. Mr. President, who will be on the team plan or who are the team members to be?

Senator AFFLERBACH. Mr. President, the team members, again, are specified in the amendment. In all cases of the handicapped individual, "The interdisciplinary team shall consist of at least one but no more than two representatives of each of the following:

- “The school district in which the student resides.
- “The intermediate unit in which the student resides.
- “The area vocational-technical school, if the child resides in its attendance area.
- “Parents.
- “Students.”

Those are mandatory inclusions on the team. In addition to that, there are optional team members based upon the individual needs of the student. Those optional team members could consist of an individual from the Department of Health, the Office of Mental Retardation, the Office of Mental Health, the Office of Vocational Rehabilitation, an approved private school if the student is enrolled in that kind of an institution. Again, those optional members would be determined upon the specific needs of that handicapped individual.

Senator RHOADES. Mr. President, the other point I think the gentleman did make is that the cost estimate of this is zero to minimal. My question is, did the school boards associations or administrations or people putting the iep together have any comment on this relative to their position on it?

Senator AFFLERBACH. Mr. President, I have received no comment from those specific organizations. The comment I have with respect to any cost at all is from the Department of Education itself. According to the numbers they have given me, we are looking at serving approximately 62,000 individuals and they estimate the cost of that would be minimal for a number of reasons, but more explicitly because we are utilizing bureaucracy, services and individuals already in place. We are not creating a new bureaucracy. We are not talking about adding staff. We are simply formulating as a matter of policy a specific procedure utilizing those resources that are already in place.

Senator RHOADES. Mr. President, based on the fact that it is not going to cost very much, this does parallel iep development most specifically. The second thing is, I have a county that does participate through their human services and avoids any duplicated effort. I can see great benefit coming out of this particular program, and I would not have any problem supporting the amendment.

Senator STAUFFER. Mr. President, I must ask for a “no” vote on the amendment. I, first of all, point out that the amendment covers a very serious subject, and I recognize the importance and seriousness of the issue the gentleman has raised. However, it is an amendment which runs so far afield from the legislation before us, which is a bill dealing with truancy. It is germane because in our definition of germaneness, we accept any amendment to the School Code as being germane if it is a School Code bill we are dealing with. However, in this instance, we are dealing with a subject that is so far afield from that being offered by the gentleman, that it makes it very, very difficult.

The amendment he presents is one that we do not have a cost factor on. I do not believe, Mr. President, it is sufficient to say that we believe the cost will be minimal. We are really not sure. I think when we are going to go into establishing a new program that is as broad and important as this one, it is

extremely important that we do make every effort to get a fix on costs in order to determine exactly what the budgetary needs will be. Furthermore, since we are dealing with the subject of the handicapped that is of such great importance, I think this is the kind of issue that needs to stand on its own, that needs to be considered by the committee and by the Body as a free standing subject of very, very great importance rather than one that comes along as an amendment to a bill that deals with a subject far, far different from the subject of the amendment.

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

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

Senator GREENWOOD. 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 AFFLERBACH and were as follows, viz:

YEAS—23

Afflerbach	Lewis	Regoli	Stapleton
Andrezeski	Lincoln	Reibman	Stewart
Bodack	Lynch	Rhoades	Stout
Greenwood	Mellow	Romanelli	Williams
Jones	Musto	Ross	Zemprelli
Kelley	O’Pake	Scanlon	

NAYS—25

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

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

The PRESIDENT. Senate Bill No. 658 will go over in its order, as amended.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 183, 368, 423, SB 694 and 1007 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1044 (Pr. No. 1382) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), entitled “Second Class County Assessment Law,” further providing for assessments, reassessments and appeals; and providing for errors in assessments and refunds.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1136 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1223 (Pr. No. 1703) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the funding of the unified judicial system.

Considered the second time and agreed to,

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

BILL REVERTED TO PRIOR PRINTER'S NUMBER ON SECOND CONSIDERATION

SB 1234 (Pr. No. 1887) — The Senate proceeded to consideration of the bill, entitled:

An Act to provide for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics and emergency medical technicians; and making an appropriation.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SALVATORE. Mr. President, I move that Senate Bill No. 1234 revert to prior Printer's No. 1720.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. The Senate now has before it Senate Bill No. 1234, Printer's No. 1720.

On the question,

Will the Senate agree to the bill on second consideration?

It was agreed to.

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

BILLS OVER IN ORDER

HB 1339, SB 1342, HB 1356, SB 1386 and HB 1549 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 1571 (Pr. No. 1874) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), known as the "Pennsylvania Municipal Retirement Law," further providing for the payment of administrative expenses.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1728, 1729, 1782 and 2015 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

SB 1386 CALLED UP

SB 1386 (Pr. No. 1974) — Without objection, the bill, which previously went over in its order, was called up, from page 4 of the Second Consideration Calendar, by Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

SB 1386 (Pr. No. 1974) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1913 (P. L. 528, No. 338), entitled "An act fixing the penalty for murder of the first degree;....," providing for execution by means of lethal injection.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENLEAF offered the following amendment No. A1987:

Amend Sec. 1 (Sec. 1), page 2, lines 12 through 14, by striking out "lethal dose of a drug approved by the" in line 12, all of line 13 and "convict" in line 14 and inserting: continuous intravenous administration of a lethal quantity of an ultrashort-action barbiturate in combination with a chemical paralytic agent until death is pronounced by a licensed physician according to accepted standards of medical practice

On the question,

Will the Senate agree to the amendment?

Senator AFFLERBACH. Mr. President, will the sponsor of the amendment, the gentleman from Montgomery, Senator Greenleaf, stand for a brief interrogation, please?

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

Senator GREENLEAF. I will, Mr. President.

Senator AFFLERBACH. Mr. President, could the gentleman tell me if the provisions of the bill specify brand name or generic drugs for the lethal injection?

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

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. Senate Bill No. 1386 will go over in its order, as amended.

SENATE CONCURRENT RESOLUTION

NO. 37, CALLED UP

Senator STAUFFER, without objection, called up from page 5 of the Calendar, **Senate Concurrent Resolution No. 37**, entitled:

A Concurrent Resolution requiring a study of the feasibility of increasing the number and type of private concessions at State parks and a survey to determine the need for improvements to the State park system.

On the question,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION
NO. 37, LAID ON THE TABLE**

Senator STAUFFER. Mr. President, I move that Senate Concurrent Resolution No. 37 be laid on the table.
The motion was agreed to.

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 call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

February 26, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald J. Lee, Esquire, 3225 Kennebec Road, Bethel Park, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1990, vice The Honorable Marion K. Finkelhor, resigned.

ROBERT P. CASEY.

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

February 26, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lee J. Mazur, Esquire, 4525 New Texas Road, Pittsburgh 15239, Allegheny County, Forty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1990, vice The Honorable William L. Standish, resigned.

ROBERT P. CASEY.

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

April 1, 1988.

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, Jeffrey Alan Manning, 157 Spring Grove Road, Pittsburgh 15235, Allegheny County, Forty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1990, vice The Honorable Bernard L. McGinley, resigned.

ROBERT P. CASEY.

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

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

**UNFINISHED BUSINESS
SENATE RESOLUTION**

**ENCOURAGING BEEF PRODUCERS TO VOTE IN
THE NATIONAL REFERENDUM RELATING TO
CONTINUATION OF THE PRODUCER-FUNDED
BEEF PROMOTION AND RESEARCH PROGRAM**

Senator WENGER, on behalf of Senator HELFRICK, himself and Senators STAPLETON, MADIGAN and WILT offered the following resolution (Senate Resolution No. 185), which was read, considered and adopted:

In the Senate, May 3, 1988.

A RESOLUTION

Encouraging beef producers to vote in the national referendum relating to continuation of the producer-funded Beef Promotion and Research Program.

WHEREAS, The Pennsylvania beef industry is a \$3.1 billion business involving the production of dairy beef, veal and beef cattle and products. More than 46,000 farms in Pennsylvania are part of the beef industry; and

WHEREAS, Each year, Pennsylvania produces more than two million head of cattle and calves, with more than 1,250,000 head

slaughtered in Pennsylvania packing plants. Beef and beef products have long been an integral part of the Pennsylvania diet and the State's economy; and

WHEREAS, In 1986, the Beef Promotion and Research Program was instituted. This program, financed by producers, has been successful in informing consumers of the benefits of beef and veal products in a healthy diet; and

WHEREAS, The Beef Promotion and Research Program has funded more than 100 nationwide programs to increase beef and veal promotion and research. More than \$500,000 is invested each year in Pennsylvania for State and local efforts; and

WHEREAS, Increased consumer demand for beef and veal products has contributed to a stronger market, thereby enabling farmers to realize a more profitable economic climate for their products; therefore be it

RESOLVED, That the Senate of Pennsylvania encourage the continuation of the producer-funded Beef Promotion and Research Program, and urge all eligible producers to vote in the national referendum for the Beef Checkoff on May 10, 1988.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the International Association of Machinists and Aerospace Workers by Senator Andrezeski.

Congratulations of the Senate were extended to Harvey A. Smith by Senator Brightbill.

Congratulations of the Senate were extended to Joseph Daubert and to Douglas Taylor by Senator Corman.

Congratulations of the Senate were extended to Thomas J. Regan by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. G. Llewellyn Duggan by Senator Madigan.

Congratulations of the Senate were extended to Geraldine L. Johnson by Senator O'Pake.

Congratulations of the Senate were extended to George J. Elias, James Elias, Edmond Manganelli, Lillian Wolfson and to Reverend Edward F. Higgins by Senator Regoli.

Congratulations of the Senate were extended to the Goodwill Industries of Conemaugh Valley, Incorporated by Senator Stewart.

BILLS ON FIRST CONSIDERATION

Senator AFFLERBACH. Mr. President, I move the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 507, 622, 1259, HB 265 and 1899.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator SHUMAKER. Mr. President, on this date I introduced an amendment into Senate Bill No. 658 which will clarify in law that district justices have the discretion to waive penalties for parents who can show that they have taken every reasonable step to ensure that their child attended school but have failed to curb their child's truancy.

A group of teachers, principals, district justices, children and youth representatives first brought this problem to my attention that made this amendment necessary. They have seen parents physically drive their children to school only to have them run out the back door of the school when they pulled away. These parents have lost control of their children and their children's actions. But, by law, as it currently exists, if a parent has control or charge of any child or children of compulsory school age, they are subject to a fine upon summary conviction. The parents may have lost control of their children but they still have charge of them and they are thus subject to penalties for their children's truant behavior. Representatives of parental support groups such as "Tough Love" have described to me the pain and utter frustration experienced by parents who try to correct the willful misbehavior of their children, but fail. One couple has a sixteen-year-old son who has been involved in truancy, theft and drug and alcohol abuse. He has run away from home and his whereabouts are unknown to even his parents. His parents have worked with the school's truant officer, the school board, the police and the local children and youth office to seek help for their son and themselves, but in vain. The truant officer even tracked down their son but could not coerce him to go back home or to school. Meanwhile, this young man's parents face stiff fines for every day their son is absent from school.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1574**.

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

BILLS SIGNED

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

HB 542 and 1574.

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

ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Wednesday, May 4, 1988, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:50 p.m., Eastern Daylight Saving Time.