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LEGISLATIVE JOURNAL

WEDNESDAY, JULY 6, 1988

SESSION OF 1988

172ND OF THE GENERAL ASSEMBLY

No. 52

SENATE

WEDNESDAY, July 6, 1988.

The Senate met at 3:44 p.m., Eastern Daylight Saving Time.

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

PRAYER

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

Heavenly Father, we invoke Your presence, power and love upon the Members and staff of this Senate and pray that as they seek Your divine guidance and help they may bountifully receive wisdom and understanding, concern and compassion, conviction and courage to legislate in righteousness and justice. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 5, 1988.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 1167**.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 1436** and **1440**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 769**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

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:

July 6, 1988

HB 2516 — Committee on Community and Economic Development.

HB 2568 — Committee on Local Government.

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:

July 5, 1988

Senators FUMO, SALVATORE, ROCKS, WILLIAMS, LYNCH, JONES, REIBMAN and O'PAKE presented to the Chair **SB 1541**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for five additional common pleas court judges for the First Judicial District to preside over certain cases.

Which was committed to the Committee on JUDICIARY, July 5, 1988.

Senators FUMO, SALVATORE, RHOADES, PECORA, ROCKS, HANKINS, WILLIAMS, JONES, LYNCH, REIBMAN and O'PAKE presented to the Chair **SB 1542**, entitled:

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," providing for removal of tenants for drug violations.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, July 5, 1988.

Senators SHUMAKER and SCANLON presented to the Chair **SB 1543**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for identification cards.

Which was committed to the Committee on LAW AND JUSTICE, July 5, 1988.

Senators SHAFFER, FISHER, O'PAKE, WENGER, WILT, RHOADES, STEWART, AFFLERBACH, HELFRICK, LOEPER, HOPPER, PETERSON, CORMAN, SALVATORE, TILGHMAN, GREENWOOD, BELL, JUBELIRER, ARMSTRONG, PECORA, HESS, GREENLEAF, ROCKS, LEMMOND, BRIGHTBILL, MOORE, SHUMAKER, REIBMAN, STAPLETON, STOUT, ROSS, JONES, LYNCH, ROMANELLI, MADIGAN, MUSTO, ANDREZESKI, BODACK, ZEMPRELLI, SCANLON, HANKINS and LEWIS presented to the Chair **SB 1544**, entitled:

An Act providing for improvements and development at State parks and historic properties and facilities; providing for limited private sector development at selected State parks in accordance with a strategic development plan; and providing for grants-in-aid to certain nonprofit organizations and institutions for capital improvements to non-State-owned historic properties and facilities.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, July 5, 1988.

Senators ANDREZESKI, JONES and HOPPER presented to the Chair **SB 1545**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, increasing the penalty for statutory rape.

Which was committed to the Committee on JUDICIARY, July 5, 1988.

RESOLUTION INTRODUCED AND REFERRED

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

July 6, 1988

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION REAUTHORIZING THE MORTGAGE REVENUE BOND PROGRAM

Senators ANDREZESKI, FUMO, AFFLERBACH, LEWIS, JONES, O'PAKE, SHUMAKER, ROMANELLI and LYNCH offered the following resolution (**Senate Concurrent Resolution No. 201**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, July 6, 1988.

A CONCURRENT RESOLUTION

Memorializing the Congress of the United States to enact legislation reauthorizing the mortgage revenue bond program.

WHEREAS, Since 1982, the mortgage revenue bond program has provided more than \$1.1 billion in mortgage loans that have helped 24,000 families afford to buy homes here in Pennsylvania; and

WHEREAS, The Pennsylvania Housing Finance Agency has utilized the mortgage revenue bond program extensively to increase the opportunities for lower-income families to afford home ownership; and

WHEREAS, The mortgage revenue bond program will expire at the end of 1988 unless reenacted by the United States Congress; and

WHEREAS, The elimination of the mortgage revenue bond program would have a negative impact on Pennsylvania's economy and also deny thousands of families the opportunity to mature in their own homes and afford their children a more stable and controlled environment; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to reenact the mortgage revenue bond program as quickly as possible; and be it further

RESOLVED, That copies of this resolution be delivered to the President of the United States, the Speaker of the House of Representatives, the President pro tempore of the Senate and each Senator and Congressman from Pennsylvania.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

SB 1167, 1436, 1440, HB 423, 1053, 1339 and 2196.

REPORTS FROM COMMITTEES

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

HB 585 (Pr. No. 3339) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for benefits for nonhospital alcohol and drug detoxification and treatment.

HB 1013 (Pr. No. 3635) (Rereported)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for minimum salaries for certain teachers and for reimbursements by the Commonwealth; increasing the amount of the Commonwealth's share of community college costs; prohibiting closing of locations for delivery of certain programs and the discontinuation of certain services; and changing the formula for the distribution of the basic education subsidy.

HB 2570 (Pr. No. 3636) (Rereported)

An Act itemizing appropriations required from the Motor License Fund and The State Stores Fund for the fiscal year July 1, 1988, to June 30, 1989, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund and The State Stores Fund moneys.

Senator SHUMAKER, from the Committee on Law and Justice, reported the following bill:

SB 1543 (Pr. No. 2292) (Amended)

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for identification cards.

Senator MADIGAN, from the Committee on Labor and Industry, reported the following bills:

SB 960 (Pr. No. 1272)

An Act amending the act of December 18, 1984 (P. L. 1004, No. 204), entitled "An act extending benefits to police chiefs or

heads of police departments of political subdivisions of the Commonwealth who have been removed from bargaining units by the Pennsylvania Labor Relations Board," providing for fire officers.

SB 1534 (Pr. No. 2276)

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," further providing for the rate of contribution by employers and employees; further providing for the rate and amount of benefits; further providing for administrative matters and for the recoupment of fault overpayments; and making repeals.

HB 2279 (Pr. No. 3236)

An Act regulating the inspection and approval of antique boilers; providing for certain powers and duties of the Department of Labor and Industry; providing a penalty; and making a repeal.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee of Conference on Senate Bill No. 1053 to meet off the floor during today's Session.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request legislative leaves for today's Session on behalf of Senator Stauffer and Senator Armstrong and temporary Capitol leaves on behalf of Senator Hopper, Senator Helfrick and Senator Peterson.

The PRESIDENT. Does the gentleman wish legislative leave for Senator Romanelli and temporary Capitol leaves for Senator Williams and Senator Ross?

Senator FUMO. Absolutely, Mr. President.

The PRESIDENT. Then you shall have them if there are no objections. There are no objections to the leave requests. The leaves will be granted.

CALENDAR

HB 2411 CALLED UP OUT OF ORDER

HB 2411 (Pr. No. 3457) — 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.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2411 (Pr. No. 3457) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

HB 2413 CALLED UP OUT OF ORDER

HB 2413 (Pr. No. 3212) — 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.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2413 (Pr. No. 3212) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1988, to June 30, 1989, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1988.

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—50

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

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

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

HB 2570 (Pr. No. 3636) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing appropriations required from the Motor License Fund and The State Stores Fund for the fiscal year July 1, 1988, to June 30, 1989, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund and The State Stores Fund moneys.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator FUMO. Mr. President, if I may, for the benefit of the Members, I would urge them, at least in the Democratic caucus, to refer to the memo I sent to them. There are some geographical areas that do better under this proposal than others, and I would hope they would take into consideration the fact they represent geographical areas sometimes and not just parties. I think we will see some splits on this, but I think it will pass.

Senator MELLOW. Mr. President, very briefly, I find myself in an extremely difficult position, because I would like to be able to vote in support of House Bill No. 2570 to make certain that salaries that are due from the Motor License Fund and others are paid, and paid in a timely fashion. Unfortunately, an amendment—if I stand to be corrected, I wish the Majority Chairman of the Committee on Appropriations would correct me—yesterday that was put into this bill in the Committee on Appropriations, and I believe passed by a vote of 18-3, severely impacted on a number of counties within the Commonwealth, two counties in particular coming from the northeastern part of the state, the counties of Lackawanna and Luzerne. In fact, Mr. President, the counties that have been impacted in a negative fashion in this bill are Lackawanna, Luzerne, Berks, Lehigh, Schuylkill and Alle-

gheny. Those particular counties are going to receive in their highway maintenance money no benefit whatsoever from the \$25 million that was added to the bill yesterday because of a surplus in the Motor License Fund.

Mr. President, there are also a number of counties that receive a substantial increase because of the \$25 million in additional funds being added to the proposal. It would appear on the surface that the reason why six counties have been in some way impacted on negatively and approximately eighteen counties are being impacted in a very positive manner is because of some type of political maneuvering. I would like to believe that, in fact, did not take place, but, unfortunately, there was another way of doing it, and the way of doing the \$25 million addition to the bill for highway maintenance money could have taken care of those particular six counties that are in question.

Although, Mr. President, I sympathize with those individuals who, in fact, may not get paid if House Bill No. 2570 is not passed today by this Body and concurred in by the House of Representatives, I have to feel for these six particular counties that have been severely impacted by not getting any of the additional \$25 million and, more importantly, the County of Lackawanna, which I represent in total, has been completely left out of the additional \$25 million that has been put in here for highway maintenance. I would only like to ask the individuals who represent the other counties in question the same question I am asking: Why, in fact, was an amendment added that would hurt six counties in this Commonwealth and benefit a number of other counties when, in fact, there was a proposal available that could have taken place where all of the counties would have been able to participate in the \$25 million? I would implore, Mr. President, that if this particular bill does pass and is sent on to the Governor, that the Governor would pull out his pen and use a little more of that blue ink that is available that he was able to use last week and go ahead and basically eliminate that \$25 million from this bill, so we can come back here, possibly under a different atmosphere with a different attitude, so that all people of Pennsylvania can benefit from the additional \$25 million, not only those certain counties that have been designated by the Republican Majority.

Senator RHOADES. Mr. President, I have to join my colleague from Lackawanna County, too, because I do share the same concerns he has expressed. I look at Carbon County and I look at Monroe County. Carbon County will pick up about \$170,000. Monroe County, which is represented by four Senators, will pick up about \$550,000. My home county of Schuylkill will just break even. I think I have to come back and say, with \$25 million surplus and sixty-seven counties, I think it is not fair that six or seven counties cannot share in that surplus. I simply say that I think in terms of all fairness every county and every maintenance area deserves a little piece of the pie, however thin it may be or however big it may be. In fairness, I can say I must vote against House Bill No. 2570 until some other accommodations can be made.

LEGISLATIVE LEAVE

Senator FUMO. Mr. President, I request temporary Capitol leave for Senator Lincoln who has been called to his office.

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

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, it is preposterous that an additional \$25 million would be put into the highway budget without the seven counties enumerated participating. It is my understanding that in order for Lackawanna, Luzerne, Berks, Lehigh, Schuylkill and Allegheny to receive any additional funds—albeit that they are frozen in at the funds they now receive, and we are talking at this point in time about an additional \$25 million—the amount would have to be \$70 million before any of these seven counties would receive one additional dime. That just simply is not fair, and I think on the basis of that criteria alone, unless there has been some indication that the formula has been out of balance in the past, it behooves all the Members of the Senate to understand we should not be using favoritism in terms of this very important budget. Roads and their maintenance are not local problems, they are state problems. They are problems with which we move materials and people through the various geographic areas of this great Commonwealth, and they are conduits to an economy that is absolutely statewide.

I cannot understand how anybody would have any sense of fairness by prescribing a formula that would so disadvantage five counties that are in such great need of maintenance of their highways, one of which is the second largest county in this Commonwealth. It happens to be the same county that has undergone a traumatic experience in its economy by virtue of the loss and demise of the steel foundry industry. Those roads are critical, in fact, to the rebirth of that economic situation. We judge that the highest priority for Allegheny County is a road network system that would be first class in maintenance and also in construction. It is inconsistent to believe that this Legislature would think in terms of funding the Mon Valley Expressway and the Beaver Expressway through the things we have done and then to suggest that they be disadvantaged by not participating in any additional funds. I would sincerely ask every Member of the Senate to vote against this bill if for no other reason than it fails to meet the basic standard of fairness, and that is what it is all about.

Senator STOUT. Mr. President, for the information of those Members who are questioning House Bill No. 2570 and how it allocates the additional \$25 million, it basically goes back to the distribution formula for highway maintenance money prior to 1980, when we made some changes in that formula. Four hundred and ninety some million dollars of the monies distributed by the old original formula is basically driven by the length of the total amount of miles within the respective counties, the bridge lengths and other parts of the

formula. Money in excess of \$490 million is distributed by a formula that takes into consideration other factors, one of which is the relative pavement quality index. If you will recall, those who were around in the early 1980's, we had a TOS, Trained Observer Survey, that went about the sixty-seven counties in this Commonwealth to compare because of the inequities that existed in the old formula. It was grandfathered in. It kept perpetuating the situation where counties that needed additional monies over the years were not getting those monies, and by them putting in a trained observer system and comparing the relative quality of the road system, not only the quality of the pavement but the guardrails and draining structures, that experimental program then resulted in becoming a stamp program, a more sophisticated analysis of highway and pavement indexes. What we have done is that they are not really getting a cut in those counties. If you will recall, in previous budgets of maintenance dollars, we had a hold harmless clause and were protected. Had we not had the hold harmless clause in place in previous budgets, Allegheny County would not be receiving the \$57 million. Allegheny County received that amount of money in the past because we made it up through a hold harmless clause and went back and helped those counties. The formula is a fair way of distributing and taking monies to those areas of the state whose road systems have deteriorated over the years. It has not been kept up. It is a two-edged sword. In some cases it helps you out in the short term, but as your quality of pavement and road system in your county improves over time, your road system in your county is improved and other areas have deteriorated. This is to allow flexibility in the funding and directing it to those areas that need it. That is the explanation of the \$25 million. I think the Majority Chairman of the Committee on Transportation would concur with that.

Senator MELLOW. Mr. President, just one clarification. I agree with everything the gentleman from Washington, Senator Stout, has just indicated to the Senate, and I know of his very hard work in the early 1980's to bring about some parity in the formula. However, we are dealing here with a surplus. We are not dealing here with the appropriation to the Motor License Fund. We have a surplus. All people who participate in this particular fund had made this surplus available and, therefore, all people should be able to participate in the surplus. If we are dealing with the initial budget, the original budget of X number of dollars to the Motor License Fund and the highway formula for maintenance, that would be one thing, but that is not what is in question here. What is in question here is the additional \$25 million of a surplus that has been made available by the some six to seven million motorists in Pennsylvania, and that is what we should be participating on some type of an even basis. Every county, all sixty-seven counties in this great state of ours, should be able to participate in the surplus. When we give money back, and we have in past years based on reduction of taxes because of surpluses, we give them back to everybody equally, and what we should be doing here is giving money back to county governments, to our maintenance sheds in our counties based on some form of

our maintenance sheds in our counties based on some form of equitable distribution of a surplus. As the gentleman from Allegheny, Senator Zemprelli, said, we should be dealing with fairness right here, not with any kind of political considerations, and I would ask if there is something that could be done by the Majority Party in the Senate today to rectify it, that we should suspend the Rules. We should be considering a different type of amendment for the proper type of distribution of this \$25 million and get on with the business of the Senate through a supplemental Calendar, pass this particular bill in a form that would benefit all counties, not exclude six counties in this great state of ours based on a surplus.

Senator CORMAN. Mr. President, it seems incredible to me that people would be here complaining about the distribution of the additional \$25 million. It seems to me if we agree that the stamp program is an appropriate program, we would not hold harmless and allow certain counties to have \$7 million more than what is apparently their fair share. We are not looking at this in a fair basis when we provide hold harmless, but the only way we get things done politically when we have to change programs, in fact, we do provide for hold harmless. But then when we put more money into the formula to better provide dollars for all the maintenance programs, let us not be screaming about fairness. If we are, then we ought to eliminate hold harmless.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—37

Andrezeski	Hess	Lynch	Shumaker
Armstrong	Holl	Madigan	Stapleton
Bell	Hopper	Moore	Stauffer
Brightbill	Jones	Peterson	Stewart
Corman	Jubelirer	Reibman	Stout
Fumo	Lemmond	Rocks	Tilghman
Greenleaf	Lewis	Ross	Wenger
Greenwood	Lincoln	Salvatore	Williams
Hankins	Loeper	Shaffer	Wilt

NAYS—13

Afflerbach	Mellow	Pecora	Romanelli
Bodack	Musto	Regoli	Scanlon
Fisher	O'Pake	Rhoades	Zemprelli
Kelley			

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

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

LEGISLATIVE LEAVE

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 1852 CALLED UP OUT OF ORDER

HB 1852 (Pr. No. 3632) — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1852 (Pr. No. 3632) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the cleanup of hazardous waste sites; providing further powers and duties of the Department of Environmental Resources and the Environmental Quality Board; providing for response and investigations for liability and cost recovery; establishing the Hazardous Sites Cleanup Fund; providing a tax credit; providing for certain fees and for enforcement, remedies and penalties.

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—47

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

NAYS—3

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

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

LEGISLATIVE LEAVES

Senator FUMO. Mr. President, I would like to request temporary Capitol leaves for Senator Stapleton who has been called to his office, and Senator O'Pake.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Stapleton as well as Senator O'Pake. The Chair hears no objection. The leaves will be granted.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of trying to return to the floor by approximately 4:45 p.m.

Senator ZEMPRELLI. Mr. President, I would also request that the Democrats caucus and that we report to the caucus room immediately. We will return at the wish of the Majority.

The PRESIDENT. For the purpose of a Democratic and Republican caucus to begin immediately, the Senate will stand in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 794 (Pr. No. 1765) — 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 and for aggregate indebtedness.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 794.

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—50

Table listing names of Senators who voted in favor (Yeas): Afflerbach, Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Fisher, Fumo, Hess, Holl, Hopper, Jones, Jubelirer, Kelley, Lemmond, Lewis, Lincoln, Moore, Musto, O'Pake, Pecora, Peterson, Regoli, Reibman, Rhoades, Rocks, Scanlon, Shaffer, Shumaker, Stapleton, Stauffer, Stewart, Stout, Tilghman, Wenger.

Table listing names of Senators who voted against (Nays): Greenleaf, Greenwood, Hankins, Helfrick, Loeper, Lynch, Madigan, Mellow, Romanelli, Ross, Salvatore, Williams, Wilt, Zemprelli.

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 831 (Pr. No. 2257) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," further prohibiting policy cancellation, refusal to write or renew insurance and imposition of a surcharge; providing for a statement of the components of insurance premiums; and further providing for notice of cancellation or refusal to renew policies.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 831.

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—50

Table listing names of Senators who voted in favor (Yeas): Afflerbach, Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Fisher, Fumo, Greenleaf, Greenwood, Hankins, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Kelley, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Moore, Musto, O'Pake, Pecora, Peterson, Regoli, Reibman, Rhoades, Rocks, Romanelli, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Stapleton, Stauffer, Stewart, Stout, Tilghman, Wenger, Williams, Wilt, Zemprelli.

NAYS—0

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

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

FINAL PASSAGE CALENDAR

PREFERRED APPROPRIATION BILL RECOMMENDED

HB 2414 (Pr. No. 3213) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1988, to June 30, 1989, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1988.

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

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL RECOMMITTED

HB 2412 (Pr. No. 3527) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1988, to June 30, 1989, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1988.

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

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 2415 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

HB 40 (Pr. No. 3631) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure, for budgeting and for the financial affairs of the judiciary.

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

On the question,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, is the bill properly before us?

The PRESIDENT. It is.

Senator ZEMPRELLI. Mr. President, would it be in order to speak to the bill?

The PRESIDENT. The bill is presently before us on final passage, and if the gentleman wishes to address it, he is in order.

Senator ZEMPRELLI. Mr. President, I would simply say, without burdening the Senate, this is the same bill that we have had before us. It is not the task force's recommendation as to judicial reform. I believe the content of House Bill No. 40 now is the Stauffer version of what judicial discipline and reform should be. I recall having this bill before, and the vote on it followed party lines to a great extent with the exception of one or two Members. Without getting into the issues, I would refer to the record of the Journal at which time this matter was previously debated and ask for a negative vote on the roll call.

Mr. President, I would further say this bill is precisely that which was known as Senate Bill No. 1 under the chief sponsorship of the gentleman from Chester, Senator Stauffer.

What has happened is, of course, that Senate Bill No. 1 has been amended into House Bill No. 40 in its entirety, and the same subject matter is before us as Senate Bill No. 1.

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I would ask for temporary Capitol leaves on behalf of Senator Musto and Senator Lynch.

The PRESIDENT. Senator Zemprelli asks for temporary Capitol leaves for Senator Musto and Senator Lynch even though Senator Musto is on the floor. Will you be leaving us?

Senator ZEMPRELLI. Mr. President, Senator Musto is on his way to a meeting of a committee of conference.

The PRESIDENT. Are there objections to the leave requests? The Chair hears none. The leaves will be granted.

And the question recurring,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, one other matter. Senate Bill No. 1, from the history of what we have learned, is in the House Appropriations Committee. This would be again a second dose on the same subject matter. It was passed before, as I said, pretty close to party lines. It is redundant in appearing on the Calendar at this time as House Bill No. 40. I see nothing that would indicate there is a need for anybody to change their vote with respect to this issue.

Senator LOEPER. Mr. President, I would just like to share the reflections of the gentleman from Allegheny and indicate that House Bill No. 40 is exactly what the gentleman indicated, a carbon copy of Senate Bill No. 1, dealing with the issue of judicial reform in this Commonwealth. This is not the first time the Members of this Senate have faced this issue. I might remind the Members that this bill in its form has passed the last two Sessions of this Senate, and it did pass this Senate on the 8th of April of 1987 by a vote of 32-13. I would ask the Members for an affirmative vote.

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. The Chair hears no objection. The leave will be granted.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

Senator MELLOW. Mr. President, before the announcement of the roll, may we be at ease?

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

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

YEAS—24

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

NAYS—25

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

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

BILL ON THIRD CONSIDERATION AMENDED AND REREFERRED

HB 188 (Pr. No. 3584) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring the Auditor General to periodically audit the affairs of the Pennsylvania Turnpike Commission; further providing for powers and duties of the Department of Agriculture relative to the manufacture and use of ethyl alcohol and the transportation of poultry, and for leases of lands and offices by nonprofit corporations to the Commonwealth; making an editorial change; providing for the exemption from taxes of the lease upon the Eastern Pennsylvania Psychiatric Institute; authorizing and directing the General State Authority and the Department of General Services to remove all restrictions or encumbrances on certain land situate in Philadelphia; establishing the Hardwoods Council and providing for its powers and duties; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey certain easements and parcels of land situate in the Borough of New Hope, Bucks County, Pennsylvania, to the River Road Development Corporation, and to accept the conveyance to the Commonwealth of certain parcels of land in the same borough; authorizing the Department of Environmental Resources to accept the conveyance of an easement in the same borough; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

REIBMAN AMENDMENT

Senator REIBMAN, by unanimous consent, offered the following amendment No. A4319:

Amend Title, page 2, line 15, by inserting after "BOROUGH;": authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey a tract of land situate in East Allen Township, Northampton County, Pennsylvania;

Amend Bill, page 24, by inserting between lines 17 and 18:

Section 6. (a) The Department of General Services, with the approval of the Governor, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to sell and convey to Vincent and Regina Gallagher of East Allen Township, North-

ampton County, Pennsylvania, for a consideration of \$100, the following tract of land situate in East Allen Township, Northampton County, Pennsylvania, described in a plan of survey, being Tract No. 2 of the minor subdivision plan prepared for the Commonwealth of Pennsylvania, dated June 23, 1987, by Martin H. Schuler Co., engineers and surveyors, Allentown, Pennsylvania, and bounded and described as follows:

Beginning at a point marked by a railroad spike at or near the center line of Weaversville Road (L.R.48049) in line with lands of the Commonwealth of Pennsylvania and Vincent and Regina Gallagher; thence extending along lands of Vincent and Regina Gallagher, north 55 degrees 45 minutes 00 seconds east 42.07 feet to a point marked by a railroad spike; thence extending along lands of Vincent and Regina Gallagher, north 87 degrees 00 minutes 00 seconds east 52.93 feet to a point; thence extending along lands of the Commonwealth of Pennsylvania, south 32 degrees 15 minutes 00 seconds west, 69.13 feet to the center line of Weaversville Road; thence extending north 57 degrees 45 minutes 00 seconds west 60 feet to a point, the place of beginning.

Containing 2,651.47 square feet.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The proceeds of this sale shall be paid into the State Treasury.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees incidental to this conveyance shall be borne by the grantee.

Amend Sec. 6, page 24, line 18, by striking out "6" and inserting: 7

Amend Sec. 7, page 24, line 20, by striking out "7" and inserting: 8

Amend Sec. 7, page 24, line 25, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the amendment?

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee of Conference on Senate Bill No. 528 to meet immediately in Room 172.

And the question recurring,

Will the Senate agree to the amendment?

Senator LOEPER. Mr. President, would the lady from Northampton, Senator Reibman, stand for a very brief interrogation?

The PRESIDENT. Will the lady from Northampton, Senator Reibman, permit herself to be interrogated?

Senator REIBMAN. I will, Mr. President.

Senator LOEPER. Mr. President, pursuant to the Rules of the Senate, could the lady indicate whether or not an appraisal has been done on this land transfer?

Senator REIBMAN. Mr. President, there has been an appraisal made on this transfer. If I further explain, this

property is a little over 2,265 square feet. It is located on the grounds of Allentown State Hospital, which is surplus land as far as the Commonwealth is concerned. This parcel was contained in the 1985 surplus property disposition area. The property was surveyed by two companies: Martin H. Schuler Company and Dan Jarrett Company, who were retained by the Commonwealth to survey and appraise the adjacent state property. The valuation of the property was based on two assumptions: First, the sale to the grantees will not affect the value of the Commonwealth's adjacent property; second, the property to be conveyed is only of value to the Gallaghers to whom we are conveying it, because their driveway encroaches upon it. It is of no value to the state. The Department of General Services has agreed that the \$100 which the Gallaghers are paying is adequate compensation for the property in question because the grantees will pay the Commonwealth for the costs involved, so there has been an appraisal.

Senator LOEPER. Mr. President, does the lady have an appraisal for the piece of ground?

Senator REIBMAN. Mr. President, I have the remarks from the Department of General Services, which I just read, which explained it to us.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—49

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

NAYS—0

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?

PETERSON-ANDREZESKI AMENDMENT

Senator WILT, on behalf of Senator PETERSON and Senator ANDREZESKI, by unanimous consent, offered the following amendment No. A4364:

Amend Title, page 2, line 15, by inserting after "BOROUGH;": authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey a certain parcel of land in Erie County, Pennsylvania;

Amend Bill, page 24, by inserting between lines 17 and 18:

Section 6. (a) The Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, is authorized and directed on behalf of the Commonwealth of Pennsylvania to sell and convey to Perry's Landing Ltd. No.1, a Pennsylvania limited partnership, its successors and assigns, for a consideration of \$64,440, the following tract of land situate in Presque Isle Bay, Erie County, Pennsylvania, bounded and described as follows:

To Perry's Landing Ltd. No.1

All lands on an encroachment into Presque Isle Bay known as Pier 1 between Raspberry and Cascade Streets located within the area beginning at the intersection of (1) a line produced by extending the line between Water Lots 254 and 255 shown on the Map of the Water Lots in Front of the Second Section of the Town of Erie, by Wilson King, Surveyor, prepared pursuant to order of the Commissioner of Sales in pursuance of the act of January 23, 1838 (P.L.6, No.6), entitled "An act authorizing the laying out of water lots, and the sale of the same, in the second section of the town of Erie," a lithograph or tracing of said map being in the files of the Division of Land Records of the Bureau of Archives and History of the Pennsylvania Historical and Museum Commission, and (2) a line 1712.58 feet north of and parallel to the center line of West Second Street of the City of Erie; thence in a northerly direction a distance of 280 feet along the line extension from between Water Lots 254 and 255 to a point; thence in an easterly direction a distance of 264 feet along a line parallel with the center line of West Second Street to a point in a line created by extending northward the line between Water Lots 247 and 246 as shown on said map; thence in a southerly direction a distance of 280 feet along a line produced by extension of the line between Water Lots 247 and 246 on said map to a point where said extension line intersects with the line 1712.58 feet north of and parallel to West Second Street; and thence in a westerly direction a distance of 264 feet along a line parallel with the center line of West Second Street to the point and place of beginning.

(b) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania. The deed of conveyance as authorized by this act shall include lands appurtenant to the encroachment as may be deemed necessary by the Department of Environmental Resources to construct and maintain additional timber cribbing, stone facing and vertical bulkheads to stabilize the edges of the pier. The deed shall further contain covenants assuring adequate provisions to provide free public access to the bayfront for fishing and recreation from the overall project developed on the site by the grantees and to be maintained by the grantees, as set forth in a plot plan recorded with the deed, including, but not limited to:

- (1) free parking for 50 cars for access to the site on a location adjacent to the Erie Bayfront Highway;
- (2) public walkways, including water edge promenades at least 12 feet wide, providing free access to the marina for fishing and walking, an encroachment into the bay at the foot of Cascade Street known as Pier 2, lands of the Commonwealth on an encroachment into the bay at the foot of Plum Street known as Pier 3 and connecting with the public parking area;
- (3) a wetlands preserve in the delta of Cascade Creek which shall be maintained by the grantees to protect the natural resources of the wetlands area from encroachments, incursions and degradation; to permit free public access, to provide that if recreational development occurs it be done in a manner which minimizes ecological impacts, to maintain the aesthetic appearance of the wetlands preserve and to remove litter and debris;
- (4) a free public recreational area at the tip of Pier 3 and on 0.716 acres of land immediately adjacent to such

lands, as authorized by the Department of Environmental Resources, suitable for fishing and picnicking to be developed within a reasonable time after issuance of a permit for development of the area by the Department of Environmental Resources;

(5) reasonable free accommodations for public fishing, including a fishing pier constructed into the bay from the public recreational area on Pier 3 as authorized by the Department of Environmental Resources; and

(6) a recreational marina to be constructed between Piers 1 and 2 and Piers 2 and 3.

(c) Nothing in this section shall be deemed to affect the authority of the Department of Environmental Resources under the act of June 25, 1937 (P.L.2116, No.425), entitled "An act declaring certain rights, grants, and privileges in the beds of navigable waters, within and on the boundaries of this Commonwealth, void; vesting power in the Department of Forests and Waters, the Water and Power Resources Board, and the Pennsylvania State Park and Harbor Commission to revoke and declare void such rights, grants, and privileges, and providing the procedure in such cases."

(d) Nothing in this section shall be deemed to constitute a precedent or general public policy with respect to the sale of public lands within the public domain or the management of filled areas located on submerged lands of the Commonwealth within Presque Isle Bay or elsewhere.

(e) Costs and fees incidental to the conveyance shall be borne by the grantees.

Amend Sec. 6, page 24, line 18, by striking out "6" and inserting: 7

Amend Sec. 7, page 24, line 20, by striking out "7" and inserting: 8

Amend Sec. 7, page 24, line 25, by striking out "6" and inserting: 7

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?

MELLOW AMENDMENT

Senator MELLOW, by unanimous consent, offered the following amendment No. A4363:

Amend Title, page 2, line 15, by inserting after "BOROUGH;": authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the county commissioners of Lackawanna County a tract of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania;

Amend Bill, page 24, by inserting between lines 17 and 18:

Section 6. (a) The Department of General Services, with the approval of the Governor and the Department of Transportation, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the county commissioners of Lackawanna County, the following tract of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania, bounded and described as follows:

All that certain lot, piece or parcel of land situate in the Borough of Moosic, Lackawanna County, Pennsylvania, bounded and described as follows:

Beginning at a point on the easterly right-of-way line of Montage Access Road opposite center line station 242 + 00; thence from the beginning and along lands of the Lackawanna

County Multi-purpose Stadium Authority north 65 degrees 00 minutes 00 seconds east 520.00 feet to a corner; thence north 25 degrees 00 minutes 00 seconds west 470.00 feet to a corner; thence south 65 degrees 00 minutes 00 seconds west 409.42 feet to a corner on the easterly right-of-way line of the Montage Access Road; thence along said right-of-way line on a curve to the left having an arc length of 391.03 feet and a radius of 630.00 feet and a chord bearing south 08 degrees 08 minutes 37 seconds east 384.79 feet to a corner; thence on a curve to the right having an arc length of 101.75 feet and a radius of 8070.00 feet and a chord bearing south 25 degrees 33 minutes 49 seconds east 101.75 feet to the point of beginning.

Containing 5.3638 acres, more or less.

As shown on a map of lands of the Lackawanna County Multi-purpose Stadium Authority, the Borough of Moosic, Lackawanna County, Pennsylvania, dated August 12, 1986, prepared by G.S.G.S & B, Inc., Architects, Engineers and Planners, Clarks Summit, Pennsylvania.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for the Lackawanna County Multi-purpose Stadium, and if at any time the county commissioners of Lackawanna County or its successor in function conveys the property to any person or entity other than the Lackawanna County Multi-purpose Stadium Authority or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and re-vest in the Commonwealth of Pennsylvania.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees incidental to this conveyance shall be borne by the grantee.

Amend Sec. 6, page 24, line 18, by striking out "6" and inserting: 7

Amend Sec. 7, page 24, line 20, by striking out "7" and inserting: 8

Amend Sec. 7, page 24, line 25, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the amendment?

Senator LOEPER. Mr. President, I was wondering if the gentleman from Lackawanna, Senator Mellow, would stand for a brief interrogation?

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

Senator MELLOW. I will, Mr. President.

Senator LOEPER. Mr. President, does the gentleman have an appraisal of the value of this land transfer?

Senator MELLOW. Yes, Mr. President. I do not have it right in my possession here, but the gentleman from Lancaster, Senator Wenger, who is the Majority Chairman of the Committee on State Government, does, in fact, have a copy of the appraisal from the Department of General Services.

Senator LOEPER. Mr. President, is there any amount of consideration that would be involved in this land transfer?

Senator MELLOW. Mr. President, as the amendment has been prepared, there is no amount of money in consideration for the transfer of this parcel of land, but if the gentleman would like, I think I can probably explain the reason why.

Senator LOEPER. Yes, Mr. President. I wish the gentleman would.

Senator MELLOW. Mr. President, in 1984 when we had the surplus property disposition, there were approximately 1,000 acres of land that were sold on what is now known as the Montage Mountain which is at Exit 51, off Interstate 81. As you travel north, it would be on your right-hand side, and this particular land, Mr. President, was sold at bid for one million dollars. For some particular reason, five acres out of that 1,000 acres were never conveyed to the private individual who purchased the land. The reason the conveyance of this land is necessary, Mr. President, is because once the individual who purchased this land had title of it, he then turned around and donated back to Lackawanna County approximately 50 acres of land of that 1,000 acres for the construction of a multiple purpose baseball stadium which is now under construction. This baseball stadium, Mr. President, next year will house the Triple A Philadelphia franchise which now plays in Maine, known as the Maine Guides. Next year it will be known as the Scranton/Wilkes-Barre Red Barons, and it will be playing in a new stadium that is now under construction. The reason for this amendment is that five acres of the ground where the stadium is currently being constructed is part of both the stadium and the parking lot, and these particular five acres of land, for some reason, the title was not conveyed to the individual who purchased the total piece of land which at that time was 1,000 acres for one million dollars.

Therefore, Mr. President, I have discussed it with the Secretary of General Services, Secretary Jannetta, and it is my feeling that since this land was already once paid for through private bid by a private individual, there should be no reason why Lackawanna County, where this land is being transferred to, should pay for it. Furthermore, Mr. President, the amendment as I have submitted it in paragraph (c) does talk about the conveyance of the deed, and if the land should be used for any other purpose than specified in the amendment, and if title was being conveyed to anyone other than Lackawanna County, then what would happen is the reversion clause would take effect and it would revert back to the ownership of the Commonwealth.

Senator LOEPER. Mr. President, am I correct that the Department of General Services has endorsed the transfer of this piece of ground at no consideration?

Senator MELLOW. Mr. President, that is my understanding.

Senator LOEPER. Mr. President, I thank the gentleman for his interrogation.

I just might indicate, Mr. President, there seems to be some question as to the approval of the department at the no consideration figure. It is my information that the department, in fact, may not have agreed to that and that seems to be some area of dispute, and I would simply note that in the record.

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

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

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

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

Senator MELLOW. I will, Mr. President.

Senator WENGER. Mr. President, the information I have from the Department of General Services indicates that the appraised value of the property in question was \$241,500. Is that correct?

Senator MELLOW. Mr. President, I have no way of knowing. I would imagine that it may be correct, although in 1984 when the entire plot of land of 1,000 acres was sold, it was sold at bid for \$1 million. To me it might seem rather high that five acres of that land is worth 20 percent of the cost of 1,000 acres, but if that is what they say it is worth, I will go by their figures.

Senator WENGER. Mr. President, I have an additional communication from the Department of General Services indicating that they were, indeed, in favor of the conveyance at a consideration of one-half of the fair market value, for the amount of \$120,750. Is this correct?

Senator MELLOW. Mr. President, I have seen the appraisal the gentleman is talking about. I have also been involved over the years in a number of different land transactions where we have conveyed title of state property to a municipal government or an authority for the conveyance without consideration of money but to include the same type of reversionary clause that has been included in the amendment that has been offered and now accepted, at least today, in House Bill No. 188, so I do know the appraisal does indicate it is a figure of some \$200,000, and approximately one-half of that would be something they would consider to be acceptable for the transfer. However, it is also my understanding they do have, as exhibited in the past, the discretionary powers when a municipality is concerned where they can convey title with the proper type of reversion clause so that no one can gain financially and if the municipality that accepted title no longer wanted it, they could not go and sell it, but, in fact, the title would revert back to the Commonwealth.

Senator WENGER. I thank the gentleman.

I would like to note for the benefit of the Members of the Senate that, again, to the best of my knowledge the department's agreement on the matter was for one-half the fair market value, which would be \$120,000. I think the gentleman's amendment would call for the transfer at no consideration, and so I bring that to the attention of the Members.

Senator AFFLERBACH. Mr. President, will the gentleman from Lackawanna, Senator Mellow, stand for a brief interrogation, please?

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

Senator MELLOW. I will, Mr. President.

Senator AFFLERBACH. Mr. President, as I understand this particular situation, in 1984 one thousand acres of land was sold to an individual based upon public bid, but, for whatever reason, only 995 acres was, in fact, transferred by title to that individual, and this bill would now call for the transfer of the additional five acres that was not originally transferred, in this case not to the individual but to the County of Lackawanna. Is that correct?

Senator MELLOW. That is exactly correct, Mr. President.

Senator AFFLERBACH. Mr. President, would it be fair, then, to say that the Commonwealth should not at the present time be holding title to this land in the first place inasmuch as it was already bid upon and paid for, and that any effort to surcharge a municipality of the Commonwealth for the transfer of this property would, in fact, be a double dip by the Commonwealth?

Senator MELLOW. Mr. President, the gentleman is correct, and I would furthermore like to point out that back in 1984 when this land was being sold, I took a very strong position against the sale of this 1,000 acres of land for fear that the bid would come in at a very low price and that this land was much more valuable. If you would take the breakdown of what the Department of General Services tells us that five acres of land is worth today—that, incidentally, is land-locked; there is no way you can get to this land without going through either county land or private land—and if you would accept the fact that five acres of land is worth \$240,000, that is going to tell you that an acre of land there is worth approximately \$45,000. If we would further go ahead and take the 1,000 acres of land that were sold and multiply it by their appraised value of \$45,000 per acre, you will find out that if the state did not sell the land back in 1984 but held on to it for a little while, that entire 1,000 acres of land today would be worth something in the vicinity of \$45 million.

And the question recurring,

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

FISHER AMENDMENT

Senator FISHER, by unanimous consent, offered the following amendment No. A4402:

Amend Title, page 2, line 15, by inserting after "BOROUGH;": authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to Kirwan Heights Volunteer Fire Department a tract of land situate in Collier Township, Allegheny County, Pennsylvania;

Amend Bill, page 24, by inserting between lines 17 and 18:

Section 6. (a) The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Kirwan Heights Volunteer Fire Department, for a consideration of \$25,000, the following tract of land situate in Collier Township, Allegheny County, Pennsylvania, described as follows:

Beginning at a point in the east right-of-way line of Pa. Route 50 (L.R. 108), said point being located 30.00 feet east of center line P.O.C. station 284+20.94 of Pa. Route 50 (L.R. 108); thence along said right-of-way by a curve to the left with a radius of 11,429.19 feet and an arc of 33.02 feet to a point on tangent; thence still along said right-of-way north 30 degrees 43 minutes 39 seconds east, a distance of 132.15 feet to a point; the P.C. of a curve, curving to the left with a radius of 3,304.17 feet and an arc distance of 381.50 feet to a point, the P.R.C. of a curve in the east right-of-way of L.R.108 and the south right-of-way of L.R. 802; thence along said curve, curving to the right with a radius of 70.00 feet and an arc distance of 61.27 feet to a point in said south right-of-way line of L.R.802; thence leaving said right-of-way and along the west right-of-way of Chartiers Creek by a curve curving to the left with a radius of 1,100.00 feet and an arc distance of 250.25 feet to a point of tangent; thence south 00 degrees 33 minutes 6 seconds west a distance of 100.31 feet to the P.C. of a curve curving to the right, with a radius of 400.00 feet and an arc distance of 108.11 feet to a point in the north line of the Allegheny County Home right-of-way; thence along said right-of-way north 73 degrees 57 minutes 46 seconds west a distance of 35.00 feet to a point, the P.C. of a curve curving to the right, with a radius of 365.00 feet and an arc of 16.00 feet to a point on said curve; thence still along said right-of-way south 74 degrees 33 minutes 24 seconds west a distance of 225.83 feet to the point of beginning.

Containing 1.305 acres, more or less.

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(c) The deed of conveyance shall contain a clause that the property conveyed shall be used for a volunteer fire station by Kirwan Heights Volunteer Fire Department and if at any time the Kirwan Heights Volunteer Fire Department or its successor in function conveys the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(d) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees incidental to these conveyances shall be borne by the grantees.

Amend Sec. 6, page 24, line 18, by striking out "6" and inserting: 7

Amend Sec. 7, page 24, line 20, by striking out "7" and inserting: 8

Amend Sec. 7, page 24, line 25, by striking out "6" and inserting: 7

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?

GREENWOOD AMENDMENT

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A4437:

Amend Sec. 5, page 24, line 14, by striking out "ACT" and inserting: section

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?

BODACK AMENDMENT

Senator BODACK, by unanimous consent, offered the following amendment No. A4320:

Amend Title, page 2, line 15, by inserting after "BOROUGH;": authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land situate in the City of Pittsburgh, Allegheny County, Pennsylvania;

Amend Bill, page 24, by inserting between lines 17 and 18:

Section 6. (a) The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Urban Redevelopment Authority of Pittsburgh for a consideration of one-half the fair market value as determined by an appraisal or the remaining bond indebtedness on the subject property, whichever is greater, the following described tract of land situate in the City of Pittsburgh, Allegheny County, Pennsylvania, bounded and described as follows:

FIRST

ALL those certain lots or parcels of ground situate in the Fifth Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being Lots Nos. 1 to 16 inclusive, Lot No. 60 and Lots Nos. 63 and 64 in the Wm. V. Callery Plan, as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 13, pages 114 and 115, being bounded and described as follows, to-wit:

LOTS NOS. 1 to 16 inclusive:

BEGINNING at a point on the Southerly line of Ridgeway Street (formerly Ridge Street) at the Northwest corner of Lot No. 1 and the Westerly line of said Plan of Lots and line of land now or late of William McConway; thence Northeastwardly along the Southerly line of said Ridgeway Street 434.11 feet to a point on the Westerly line of Marcella Street; thence Southwestwardly along the Westerly line of said Marcella Street, 102.44 feet to a point on the Northerly line of a 20 foot Way; thence Southwestwardly along the Northerly line of said 20 feet Way 401.44 feet to a point at the Southwesterly corner of Lot No. 1 in said Plan of Lots; and thence Northwestwardly along the Westerly line of said Lot No. 1, along the Westerly line of said Plan of Lots and along line of land now or late of the aforementioned William McConway, 95.17 feet to the point on the Southerly line of Ridgeway Street at the place of beginning.

LOT NO. 60:

BEGINNING at a point on the Northerly line of White Street at the dividing line between Lots Nos. 59 and 60 in said Plan of Lots; thence Southwestwardly along the Northerly line of said White Street 25 feet to a point at the dividing line between Lots Nos. 60 and 61 in said Plan of Lots; thence Northwestwardly along said last mentioned dividing line 91.67 feet to a point on the Southerly line of a 20 foot Way; thence Northeastwardly along the Southerly line of said 20 foot Way 25 feet to a point at the dividing line between Lots Nos. 59 and 60 in said Plan of Lots; and thence Southeastwardly along said last mentioned dividing line 91.67 feet to a point on the Northerly line of White Street at the place of beginning.

LOTS NOS. 63 and 64:

BEGINNING at a point on the Northerly line of White Street at the dividing line between Lots Nos. 62 and 63 in said Plan of Lots; thence Southwestwardly along the Northerly line of said White Street 63.89 feet to a point at the Southwesterly corner of Lot No. 64 in said Plan of Lots; thence Northwestwardly along the Westerly line of said Lot No. 64, along the Westerly line of said Plan of Lots and along line of land now or late of William McConway 91.83 feet to a point on the Southerly line of a 20 foot Way; thence Northeastwardly along the Southerly line of said 20 foot Way 58.44 feet to a point at the dividing line between Lots Nos. 62 and 63 in said Plan of Lots; and thence Southeastwardly along said last mentioned dividing line, 91.67 feet to the point on the Northerly line of White Street at the place of beginning. The above described properties being the same properties as conveyed to The Tuberculosis League of Pittsburgh by the following deeds:

1. From James D. Callery et ux, et al, dated April 9, 1932 and recorded June 16, 1932 in Deed Book Volume 2472, page 61.
2. From Joseph Z. Porter et ux, dated May 11, 1927, recorded May 12, 1927 in Deed Book Volume 2316, page 548.
3. From Willie Claude Hightower et ux, dated May 11, 1927, recorded May 12, 1927 in Deed Book Volume 2316, page 547.
4. From William McConway et ux, dated March 29, 1912, recorded October 22, 1912 in Deed Book Volume 1754, page 207.

BLOCK NO. 258, Lot No. 98, for 5th Ward property.

SECOND

ALL THAT CERTAIN LOT or parcel of ground situate in the Sixth Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being bounded and described as follows:

BEGINNING at a point at the Southwesterly corner of Bigelow Boulevard (formerly Grant Boulevard) as widened by Ordinance No. 556 of the City of Pittsburgh, approved December 2, 1938, and recorded in Ordinance Book Volume 49, page 340, and Morgan Street (formerly Blakeley Street); thence along the Southeasterly line of said Bigelow Boulevard South 62 degrees 48 minutes 17 seconds West, 200.50 feet to the point on line of land of the City of Pittsburgh; thence along line of land of the City of Pittsburgh South 27 degrees 11 minutes 43 seconds East, 136.80 feet to a point on the Northwesterly line of the aforementioned Morgan Street; and thence along the Northwesterly line of said Morgan Street, North 28 degrees 29 minutes 57 seconds East 242.72 feet to the point at the Southwesterly corner of Bigelow Boulevard and Morgan Street at the place of Beginning. BLOCK 25-S, Lot 104.

SUBJECT to a street 30 feet wide known as Judson Street (formerly Jeremy Street) running southwestwardly through said property from Morgan Street to the Southwesterly line of the lot hereinabove described.

SUBJECT to slopes for said Bigelow Boulevard as same are fixed in Ordinance No. 163 of the City of Pittsburgh, approved March 29, 1939, recorded in Ordinance Book Volume 49, page 614.

THIRD

ALL THAT CERTAIN LOT or parcel of ground situate in the Sixth Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being Lots Nos. 1 to 28 inclusive in Jones, Jeremy and Scully Plan, as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 4, pages 152 and 153, being bounded and described as follows:

BEGINNING at a point at the Northeasterly corner of Ridgeway Street (formerly Ridge Street) and Morgan Street (formerly Blakeley Street); thence along the Northwesterly line of said Ridgeway Street North 60 degrees 56 minutes 57 seconds East 458.24 feet to a point on the Denny Manor Line; thence along the Denny Manor Line North 59 degrees 40 minutes 3 seconds West 246.00 feet to a point on the Southeasterly line of the aforementioned Morgan Street; and thence along the Southeasterly line of

said Morgan Street South 28 degrees 29 minutes 57 seconds West 394.56 feet to the point at the Northeasterly corner of Ridgeway Street and Morgan Street at the place of beginning. BLOCK 25-S, LOT NO. 98.

The second and third described properties being the same properties which Andrew Carnegie et al Trustees under Will of Mary E. Schenley, Deceased, by deed dated February 2, 1916 and recorded March 2, 1916, in Deed Book Volume 1836, page 625, granted and conveyed unto The Tuberculosis League of Pittsburgh.

FOURTH

ALL THAT CERTAIN LOT or parcel of ground situate in the Fifth Ward, City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being bounded and described according to United States Standard Measure as follows:

BEGINNING at a point on the Northwesterly line of Bedford Avenue at line of land now or late of Henry W. Oliver, Jr., said point being the Westerly line of the Wm. V. Callery Plan, recorded in the Recorder's Office of Allegheny County in Plan Book Volume 13, pages 114 and 115 and distant along the Northwesterly line of said Bedford Avenue South 60 degrees 56 minutes 57 seconds West, 130.15 feet from the Northwesterly line of said Bedford Avenue and Tulsa Street; thence along the Northwesterly line of said Bedford Avenue South 60 degrees 56 minutes 57 seconds West 229.10 feet to a point; thence along other land of the party of the first part the following 5 courses and distances: North 25 degrees 54 minutes 33 seconds West, 261.24 feet to a point; South 78 degrees 36 minutes 32 seconds West, 37.98 feet to a point; North 25 degrees 54 minutes 33 seconds West, 95.00 feet to a point; South 64 degrees 05 minutes 27 seconds West, 101.11 feet to a point; South 25 degrees 46 minutes 53 seconds East, 105.63 feet to a point on line of land of the Housing Authority of the City of Pittsburgh at the center line of a 20 foot right of way described in deed from the Housing Authority of the City of Pittsburgh to The Tuberculosis League of Pittsburgh, dated November 7, 1952 and recorded in the Recorder's Office of Allegheny County in Deed Book Volume 3247, page 194; thence along line of land of the Housing Authority of the City of Pittsburgh, South 64 degrees 03 minutes 07 seconds West 155.12 feet to a point on the Northeasterly line of Morgan Street now vacated; thence along the Northeasterly line of said Morgan Street North 25 degrees 46 minutes 53 seconds West, 149.32 feet to a point; thence along line of land now or late of Harding Harston North 64 degrees 03 minutes 07 seconds East 44.24 feet to a point; thence along the same North 25 degrees 46 minutes 53 seconds West, 54.92 feet to a point on the Southeasterly line of Ridgeway Street (formerly Ridge Street): thence along the Southeasterly line of said Ridgeway Street, North 60 degrees 56 minutes 57 seconds East 480.17 feet to a point on line of land now or late of Henry W. Oliver, Jr. and the Westerly line of the aforementioned Plan of Lots; and thence along said last mentioned line, south 25 degrees 39 minutes 03 seconds East, 478.05 feet to the point on the Northwesterly line of Bedford Avenue at the place of beginning.

For chain of title to premises 4th above described, see the following deeds to The Tuberculosis League of Pittsburgh:

1. From H. A. Phillips, unmarried, dated June 16, 1921, recorded June 23, 1921 in Deed Book Volume 2071, page 93.
2. From William McConway et ux, dated March 5, 1910, recorded June 21, 1910 in Deed Book Volume 1672, page 305.
3. From Huston Brothers Company, dated April 20, 1920, recorded May 14, 1920 in Deed Book Volume 2046, page 227.

BLOCK 258, LOT NO. 98

FIFTH

The free and uninterrupted use, liberty and privilege in common with the parties of the first part, its successors and assigns, the Housing Authority of the City of Pittsburgh, its successors and assigns, together with their tenants and occupiers for the time

being and licensees, for said second party its successors and assigns and its agents, servants and licensees at its and their will and pleasure at all times and purposes, to go, return, pass and repass by vehicle and on foot along and over a certain paved private road 20 feet wide and approximately 265 feet long, through property now or formerly of the Housing Authority of the City of Pittsburgh, abutting property of The Tuberculosis League of Pittsburgh, said road being situate in the Fifth Ward, City of Pittsburgh and bounded and described as follows:

BEGINNING at a point, said point being on the Northerly side of Bedford Avenue and distant South 60 degrees 55 minutes 42 seconds West, 12.07 feet from the intersection of the lands now or formerly of the Housing Authority of the City of Pittsburgh and lands of The Tuberculosis League of Pittsburgh; thence continuing along said Northerly side of Bedford Avenue, South 60 degrees 55 minutes 42 seconds West, 20.12 feet to a point; thence along lands now or formerly of the Housing Authority of the City of Pittsburgh, North 25 degrees 48 minutes 18 seconds West, 267.70 feet to lands of The Tuberculosis League of Pittsburgh; thence along the same, North 64 degrees 11 minutes 42 seconds East, 20 feet to a point; thence along lands now or formerly of the Housing Authority of the City of Pittsburgh, south 25 degrees 48 minutes 18 seconds East, 266.55 feet to the Northerly side of Bedford Avenue at the place of beginning.

TOGETHER WITH and subject to the various rights and obligations appurtenant to above described right of way as more fully set forth and described in deed of the Housing Authority of the City of Pittsburgh to The Tuberculosis League of Pittsburgh, dated November 7, 1952, of record in Deed Book Volume 3247, page 194.

BEING the same right of way as conveyed by the aforesaid deed of the Housing Authority of the City of Pittsburgh to The Tuberculosis League of Pittsburgh, dated November 7, 1952, recorded in Deed Book Volume 3247, page 194.

EXCEPT coal and mining rights, granted or reserved by prior instruments of record.

(b) The Commonwealth of Pennsylvania shall maintain the property until such time as title is conveyed. Title shall be conveyed at such time, within 18 months after the effective date of this act, as the Urban Redevelopment Authority of Pittsburgh pays the consideration required by subsection (a).

(c) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including but not confined to streets, roadways, and rights of any telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(d) The deed of conveyance shall contain a clause that the lands conveyed shall be used for housing and care for the elderly and if at any time the Urban Redevelopment Authority of Pittsburgh or its successor in function conveys the property or authorizes or permits the property to be used for any purpose other than housing and care for the elderly, the title thereto shall immediately revert to and revest in the Commonwealth of Pennsylvania.

(e) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs and fees incidental to this conveyance shall be borne by the grantee.

Amend Sec. 6, page 24, line 18, by striking out "6" and inserting: 7

Amend Sec. 7, page 24, line 20, by striking out "7" and inserting: 8

Amend Sec. 7, page 24, line 25, by striking out "6" and inserting: 7

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

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

Senator LOEPER. Mr. President, I move that House Bill No. 188, as amended, be rereferred to the Committee on State Government.

The motion was agreed to.

The PRESIDENT. House Bill No. 188, as amended, will be rereferred to the Committee on State Government.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I would like to request temporary Capitol leaves for Senator Fumo, Senator Scanlon and Senator Zemprelli.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Fumo, Senator Scanlon and Senator Zemprelli. The Chair hears no objection. The leaves will be granted.

Senator LOEPER. Mr. President, Senator Wilt has been called from the floor to his office and I would request a temporary Capitol leave for Senator Wilt.

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

LEGISLATIVE LEAVE CANCELLED

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

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

LEAVE OF ABSENCE

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 524 (Pr. No. 2396) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for affidavit and oath; and expanding a category of authorized investments.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator BELL. Mr. President, I am going to vote "no" on this bill. When I was in active practice, I did a lot of decedents' estate work, and I always was impressed with the fact when a subscribing witness to a will had to take an affirmation in front of a court officer, namely the registrar of wills or the deputy, it was a pretty solemn occasion, and I do not think the subscribing witness would want to falsify. Now I think I have in my district about 2,500 notaries public. I think I am probably like every Senator in here, I do not even know what they look like. They send in the application, and you always approve it unless they are sending it from a prison or something. I do not think there is the protection against deception just by having somebody affirm that they saw the decedent sign away all of his worldly possessions by executing the will, and I think this is opening the door to fraud.

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—45

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

NAYS—4

Bell	Reibman	Rocks	Salvatore
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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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD CONSIDERATION AMENDED

SB 628 (Pr. No. 2266) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of health club contracts; and providing for further duties of the Bureau of Consumer Protection.

Considered the third time,

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

Senator ZEMPRELLI, by unanimous consent, offered the following amendment No. A4396:

Amend Sec. 15, page 11, lines 4 through 6, by striking out "and shall not be" in line 4, all of line 5 and "purpose" in line 6

Amend Sec. 15, page 11, lines 7 and 8, by striking out "including a trustee in bankruptcy or receiver"

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 ZEMPRELLI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 692 (Pr. No. 777) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," providing for adoption of property maintenance regulations and standard codes; authorizing boards of code appeals; and eliminating provisions for milk inspection.

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

NAYS—1

Reibman

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

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

BILL RECOMMITTED

HB 803 (Pr. No. 3326) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the use of side stop signal arms on school buses.

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

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1136 (Pr. No. 1984) — The Senate proceeded to consideration of the bill, 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.

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

On the question,
Shall the bill pass finally?

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

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—46

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

NAYS—2

Kelley Regoli

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.

HB 1178 (Pr. No. 3481) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the criteria and procedures for the expenditure of Commonwealth funds to correct housing problems caused by non-mine subsidence in a municipality; 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?

Senator SALVATORE. Mr. President, I would just like to make some brief comments on House Bill No. 1178. Mr. President, after many months of public hearings and taking a lot of testimony, we were able to fashion a bill that is going to help people in the area of the lady from Philadelphia, Senator Jones, the area of the gentleman from Philadelphia, Senator Rocks, and my area with non-mine subsidence. As you know, we had a problem in northeast Philadelphia, in Logan and in Roxborough, and this piece of legislation is going to go a long way in helping these people who are experiencing trauma in seeing their houses slide down or falling or sinking, and we just hope we can get an affirmative vote from everyone in the Senate today.

Senator JONES. Mr. President, I rise to oppose this bill. This bill would add an additional requirement on the City of

Philadelphia for state monies previously already appropriated but not yet paid to the city for the sinking homes in Logan. You can attest to this by looking at Section 2 on page 26 of this bill. One of these additional requirements would hold up state money already in the administrative pipeline until a second engineering study was done. They have already done one. The result is that families who have already spent one to two years in temporary housing awaiting funds for permanent relocation will have to wait even longer while a second, unnecessary engineering study is completed. Check the bill. After the second study is completed, the bill would cause further delay in requiring the Department of Community Affairs and the city to hold two public hearings and then require the city to develop a land reuse plan which would have to be reviewed and then approved by DCA before any state funds could be released.

These additional requirements might make some sense if they only applied to new areas of sinking homes. However, it makes no sense to impose these requirements on funds appropriated a year ago for the sinking homes in the Logan section where there has already been two and a half years of planning and debate. Worst of all, the net result of this bill is that the displaced families of Logan will have to wait even longer to get the assistance they need before they can have a permanent home again. I would just like to add, Mr. President, that the majority of the people who are in the imminently dangerous section of Philadelphia are quite satisfied with the progress that has been made up to this point. I urge a "no" vote on the bill.

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—26

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

NAYS—23

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

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

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

RECONSIDERATION OF SB 1136

BILL ON FINAL PASSAGE

SB 1136 (Pr. No. 1984) — Senator KELLEY. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1136, Printer's No. 1984, just passed finally.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

HB 2035 CALLED UP OUT OF ORDER

HB 2035 (Pr. No. 3627) — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 2035 (Pr. No. 3627) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing water and sewer projects eligible for funding through the Pennsylvania Infrastructure Investment Authority for fiscal year 1987-1988 together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of providing funds for the itemized projects; stating the estimated useful life of the projects; and making an appropriation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO, by unanimous consent, offered the following amendment No. A4456:

Amend Sec. 3, page 3, line 4, by striking out "678,000" and inserting: 1,015,000

Amend Sec. 3, page 4, by inserting between lines 2 and 3:

York Springs Municipal Authority, water project, install new water distribution main.....

347,000

Amend Sec. 3, page 13, line 7, by striking out "1,070,000" and inserting: 6,759,000

Amend Sec. 3, page 13, line 11, by striking out "3,840,000" and inserting: 3,863,000

Amend Sec. 3, page 31, lines 10 and 11, by striking out all of said lines and inserting:

Vanport Township Municipal Authority, water project, construct a new trichloroethylene removal system at existing well field..... 320,000

Amend Sec. 3, page 33, by inserting between lines 5 and 6:

Boyertown Borough, water project, repair of Trout Run Dam water reservoir 450,000

Amend Sec. 3, page 35, by inserting between lines 9 and 10:

Altoona City Authority, sewer project, wastewater treatment plant renovations, combined sewer overflow control facility and sewer rehabilitation..... 8,757,000

Amend Sec. 3, page 40, line 3, by striking out "2,589,000" and inserting: 3,600,000

Amend Sec. 3, page 44, line 10, by striking out "20,000,000" and inserting: 31,500,000

Amend Sec. 3, page 57, line 24, by striking out "1,313,000" and inserting: 2,830,000

Amend Sec. 3, page 65, by inserting between lines 6 and 7:

Hampden Township Sewer Authority, sewer project, construct wastewater sludge composting facility, improvements to sludge handling and dewatering, plant improvements at Roth Lane and Pinebrook Plants..... 2,600,000

Amend Sec. 3, page 73, line 5, by striking out "600,000" and inserting: 626,000

Amend Sec. 3, page 80, by inserting between lines 9 and 10:

Fairchance Borough, water project, installation of water meters to over 1,000 customers on the borough water system.. 231,000

Amend Sec. 3, page 85, lines 22 through 24, by striking out all of said lines and inserting:

storage tank and replace water lines..... 500,000

Amend Sec. 3, page 86, by inserting between lines 15 and 16:

Todd Township Board of Supervisors, sewer project, construct sewage treatment plant and sewer collection system for Village of Knobsville..... 100,000

Amend Sec. 3, page 114, by inserting between lines 12 and 13:

Butler Township, sewer project, extend line of sewage system..... 250,000

Amend Sec. 3, page 115, line 5, by striking out "800,000" and inserting: 997,000

Amend Sec. 3, page 116, by inserting between lines 14 and 15:

Oneida Water Company, water project, additional well, transmission and distribution line, services and meters..... 586,000

Amend Sec. 3, page 117, by inserting between lines 18 and 19:

Shickshinny Water Company, water project, additional well, transmission and distribution line, services and meters 3,520,000

Amend Sec. 3, page 121, line 3, by striking out "200,000" and inserting: 350,000

Amend Sec. 3, page 122, line 28, by striking out "750,000" and inserting: 850,000

Amend Sec. 3, page 124, line 12, by striking out "610,000" and inserting: 660,000

Amend Sec. 3, page 126, line 8, by striking out "200,000" and inserting: 1,347,000

Amend Sec. 3, page 126, line 12, by striking out "290,000" and inserting: 463,000

Amend Sec. 3, page 128, line 4, by striking out "248,000" and inserting: 2,965,000

Amend Sec. 3, page 129, line 18, by striking out "10,200,000" and inserting: 10,900,000

Amend Sec. 3, page 131, line 22, by striking out "4,287,000" and inserting: 4,877,000

Amend Sec. 3, page 133, line 21, by striking out "380,000" and inserting: 606,000

Amend Sec. 3, page 134, line 19, by striking out "18,000" and inserting: 336,000

Amend Sec. 3, page 137, by inserting between lines 21 and 22:

Austin Borough, water project, construct new groundwater source, disinfection facilities, system controls, distribution network replacement and finished storage reservoir..... 589,000

Amend Sec. 3, page 145, line 8, by striking out "200,000" and inserting: 215,000

Amend Sec. 3, page 154, by inserting between lines 14 and 15:

City of Oil City, sewer project, rehabilitate wastewater treatment plant and sanitary sewers..... 865,000

Amend Sec. 3, page 155, line 12, by striking out "1,350,000" and inserting: 1,559,000

Amend Sec. 3, page 164, line 25, by striking out "5,000,000" and inserting: 5,480,000

Amend Sec. 3, page 164, by inserting between lines 25 and 26:

Franklin Township Municipal Sanitary Authority, sewer project, sewer rehabilitation work and construction of retention basins..... 3,333,000

Franklin Township Municipal Sanitary Authority, sewer project, construction of public sewer system in areas presently served by on-lot septic systems..... 3,044,000

Amend Sec. 3, page 165, line 2, by striking out "500,000" and inserting: 595,000

Amend Sec. 3, page 165, line 14, by striking out "1,000,000" and inserting: 1,199,000

Amend Sec. 3, page 166, line 1, by striking out "843,000" and inserting: 1,502,000

Amend Sec. 3, page 168, line 18, by striking out "2,550,000" and inserting: 2,964,000

Amend Sec. 3, page 173, by inserting between lines 26 and 27:

Factoryville Water Company, water project, construct filtration plant, install residential meters, replace transmission line and services..... 515,000

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

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I rise for the purpose of requesting a temporary Capitol leave on behalf of Senator Hankins.

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair also recognizes the presence on the floor of Senator Musto, Senator Stapleton, Senator Zemprelli, Senator Fumo and Senator Fisher. Their temporary Capitol leaves will be cancelled.

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

Senator KELLEY. Mr. President, I would like to know if the gentleman from Philadelphia, Senator Fumo, the primary sponsor of the amendment, would consent to interrogation?

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

Senator FUMO. I will, Mr. President.

Senator KELLEY. Mr. President, the gentleman in introducing his amendment indicated he was under the apprehension that the amendment was agreed to. I would like to know if the amendment, in his judgment, is agreed to because of the substance of the amendment or the proximity of his location on the floor when he offered it?

Senator FUMO. Probably both, Mr. President, and the lateness of the hour.

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

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

Senator FUMO, by unanimous consent, offered the following amendment No. A4441:

Amend Sec. 2, page 2, lines 1 through 3, by striking out all of lines 1 and 2 and "available to the authority," in line 3

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

The PRESIDENT. House Bill No. 2035 will go over in its order, as amended.

BILL RECOMMITTED

SB 1201 (Pr. No. 2267) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 50 (Mental Health) of the Pennsylvania Consolidated Statutes, adding provisions relating to mental health and mental retardation services and procedures; and making repeals.

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

RECESS

Senator LOEPER. Before we continue on with consideration of today's Calendar, Mr. President, I would at this time

ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules Committee room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a brief meeting of the Committee on Rules and Executive Nominations to begin at the rear of the Chamber, the Senate will stand in brief recess.

AFTER RECESS

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

JUDGE, COURT OF COMMON PLEAS,
CAMBRIA COUNTY

June 20, 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, Francis J. Leahey, Jr., Esquire, 203 Charles Street, Ebensburg 15931; Cambria County, Thirty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January, 1990, vice The Honorable H. Clifton McWilliams, mandatory retirement.

ROBERT P. CASEY.

NOMINATION LAID ON THE TABLE

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

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

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION

May 2, 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, Lauren K. Baughman, 926 West 29th Street, Erie 16508, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1992, or until her successor is appointed and qualified, vice Alvin E. Echols, Esquire, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES
OF WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE
SYSTEM OF HIGHER EDUCATION

May 6, 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, Alice C. Chambers, 10 North Darlington Street, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice John F. Unruh, Morton, whose term expired.

ROBERT P. CASEY.

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

QUESTION DIVIDED

Senator BRIGHTBILL. Mr. President, I request that we vote on these nominations separately.

On the question,
Will the Senate advise and consent to the nomination of Lauren K. Baughman as a member of the Pennsylvania Human Relations Commission?

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

YEAS—23

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

NAYS—26

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

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

Ordered, That the Governor be informed accordingly.

On the question,

Will the Senate advise and consent to the nomination of Alice C. Chambers as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education?

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request temporary Capitol leave for Senator Fumo.

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

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—24

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

NAYS—25

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

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator BRIGHTBILL. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE MUNICIPAL POLICE
OFFICERS' EDUCATION AND
TRAINING COMMISSION

May 18, 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, Violet L. Stover, 112 Penn Street, Millheim 16854, Centre County, Thirty-fourth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1990, and until her successor is appointed and qualified, vice Myron Bortnicker, Havertown, whose term expired.

ROBERT P. CASEY.

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

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

YEAS—48

Afflerbach	Helfrick	Madigan	Salvatore
Andrezeski	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	Stout
Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Williams
Greenwood	Loeper	Romanelli	Wilt
Hankins	Lynch	Ross	Zemprelli

NAYS—1

Tilghman

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator BRIGHTBILL. Mr. President, I ask for unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
CAMBRIA COUNTY

June 20, 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, Francis J. Leahey, Jr., Esquire, 203 Charles Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January, 1990, vice The Honorable H. Clifton McWilliams, mandatory retirement.

ROBERT P. CASEY.

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

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

YEAS—49

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

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

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.

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:

MEMBER OF THE STATE BOARD OF MEDICINE
June 13, 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, Shirley F. Fox, R. N., 7221 Catherine Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

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

May 2, 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, Nelson R. Rosario, M.D., 1829 Rockford Lane, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice James E. Hazeltine, Jr., Lancaster, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
WERNERSVILLE STATE HOSPITAL

June 8, 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, John W. Murphy, Jr., 1201 Whitfield Boulevard, Whitfield, Reading 19609, Berks County, Eleventh Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF WESTERN CENTER

June 6, 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, J. Robert Ondulick, 136 Galley Road, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE LEHIGH COUNTY BOARD OF ASSISTANCE

May 18, 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 St. Clair Allen (Democrat), 422 East Lexington Street, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1990, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE LEHIGH COUNTY BOARD OF ASSISTANCE

May 23, 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, Juan E. Figueroa (Independent), 1030 Manor Drive, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1990, and until his successor is appointed and qualified, to add to complement.

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—49

Table listing names of senators in support (Yeas): Afflerbach, Andrezeski, Armstrong, Bell, Bodack, Brightbill, Corman, Fisher, Fumo, Greenleaf, Greenwood, Hankins, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Kelley, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Moore, Musto, O'Pake, Peterson, Regoli, Reibman, Rhoades, Rocks, Romanelli, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Stapleton, Stauffer, Stewart, Stout, Tilghman, Wenger, Williams, Wilt, Zemprelli.

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator BRIGHTBILL. Mr. President, I move that the Executive Session do now rise. The motion was agreed to.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AMENDED

HB 1013 (Pr. No. 3635) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," increasing the amount of the Commonwealth's share of community college costs; prohibiting closing of locations for delivery of certain programs and the discontinuation of certain services; and changing the formula for the distribution of the basic education subsidy.

Considered the third time,

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

LINCOLN AMENDMENT I

Senator LINCOLN, by unanimous consent, offered the following amendment No. A4496:

Amend Title, page 1, line 8, by inserting after "duties:" further providing for minimum salaries for certain teachers and for reimbursements by the Commonwealth;

Amend Bill, page 3, by inserting after line 30:

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

Section 1142.1. Minimum Salaries for Teachers.—(a) The minimum salary paid to full-time teachers during the school year 1988-1989 and each school year thereafter shall be eighteen thousand five hundred dollars (\$18,500). This minimum salary shall be paid by the employing school districts, intermediate units and area vocational-technical schools, notwithstanding any provisions of this act to the contrary.

(b) For purposes of this section "teacher" shall mean classroom teachers and all others included within the definition of "teacher" in section 1141, including speech correctionists and instructional department chairmen employed by school districts, intermediate units or area vocational-technical schools.

Section 2. Section 1148 of the act is amended to read:

Section 1148. Substitute Teachers.—Substitutes shall be paid not less than the minimum salary provided for by [this subdivision] section 1142, or in the event they are employed for less than a full school year, the proportionate part of such minimum salary equal to the proportionate part of the school year during which they were employed, arrived at by dividing the number of days during which a substitute was employed by the total number of days the schools of the district were in session during the school year.

Amend Sec. 1, page 4, line 1, by striking out "1" and inserting: 3

Amend Sec. 1, page 4, lines 1 and 2, by striking out "OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949"

Amend Sec. 2, page 4, line 16, by striking out "2" and inserting: 4

Amend Sec. 3, page 4, line 24, by striking out "3" and inserting: 5

Amend Bill, page 9, by inserting between lines 17 and 18:

Section 6. The act is amended by adding a section to read:

Section 2594. Special Payments on Account of Minimum Salary Increases.—(a) For the school year 1988-1989 only, each school district, intermediate unit and area vocational-technical school shall be paid, in addition to any other payments to which it is entitled, a special payment to cover its costs of complying with the minimum teacher salary requirements of section 1142.1. The amount paid to each school district, intermediate unit and area vocational-technical school shall be computed by subtracting from eighteen thousand five hundred dollars (\$18,500) the salary paid to each teacher during 1987-1988 that is less than eighteen thousand five hundred dollars (\$18,500). The amount so calculated shall be paid to each qualifying school district, intermediate unit and area vocational-technical school by the Department of Education during the fiscal year 1988-1989 out of funds appropriated to the department for this purpose.

(b) For the school year 1988-1989 only, the entire employer's share of contributions to the Public School Employees' Retirement Fund and Social Security attributable to the salary increase required by the provisions of section 1142.1 shall be paid for each school district, intermediate unit and area vocational-technical school out of funds appropriated for payments to the Public School Employees' Retirement Fund and to the Social Security Fund.

(c) For purposes of this section "teacher" shall mean classroom teachers and all others included within the definition of "teacher" in section 1141, including speech correctionists and instructional department chairmen employed by school districts, intermediate units or area vocational-technical schools.

Amend Sec. 4, page 9, line 18, by striking out "4" and inserting: 7

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, the amendment I am offering deals with the minimum salary for teachers. This amendment would increase the statutory minimum salary from \$6,000, which was adopted in 1963, to \$18,500 for the 1988-89 school year. Coupled with other professionalism efforts in the Governor's budget, this is designed to attract the highest caliber of college students to the teaching profession in years to come. The bill would require all school districts, intermediate units and AVTSs, beginning in 1988-89, to pay full-time professionals at least \$18,500 per year. This minimum does not apply to substitutes. The state would pay each school entity the difference between all 1987-88 salaries under \$18,500 and the \$18,500 minimum, and the full employer cost of Social Security and retirement associated with the salary increase. The amendment does not provide for a so-called ripple effect. Since the minimum will affect only a small number of teachers, it appears unlikely that there will be any significant ripple. Instead, it is likely that the salary schedule compression which has been occurring through normal collective bargaining will continue.

It is estimated that the cost of this proposal in 1988-89 would be \$6.4 million plus retirement and Social Security. Funds for this amendment would have to be added to the budget, which we hope will be passed at some near date, to cover this year's reimbursement to school districts, because with the budget that was signed by the Governor last Thursday, I think the Majority Party inadvertently left this out. I would hope there would be fifty positive votes for this amendment.

Senator RHOADES. Mr. President, would the gentleman from Fayette, Senator Lincoln, submit to interrogation?

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

Senator LINCOLN. I will, Mr. President.

Senator RHOADES. Mr. President, has the gentleman committed that the \$6.4 million would be placed in this year's budget to address that \$18,500 minimum salary?

Senator LINCOLN. Mr. President, the Governor, in his original proposal back in February, had requested an appropriation of \$6.4 million to cover this, and, as I said in my earlier remarks, I think it was inadvertently left out in the budget that was passed here by the Majority. We are trying to put that back into place, and I am positive that when we finally do get to the supplemental, or whatever we are calling the additional spending that we have to deal with, that \$6.4 million will be part of it.

Senator RHOADES. Mr. President, in other words, it is my understanding that there is a commitment to put that money in?

Senator LINCOLN. Mr. President, there is a definite commitment. As I said, the Governor, back in February, requested it. The Governor's Office helped prepare this amendment, and there is no question that this is one of their legislative priorities and part of the package of bills that was introduced here about six weeks ago to supplement with legislative language what had been proposed in the initial budget by the Governor. I would say there is a definite commitment for the \$6.4 million.

Senator RHOADES. Mr. President, the second question that arises with that is a concern saying this is only a one year appropriation to address this minimum salary. Is there a commitment or understanding there will be sufficient funding in years hence to be able to address that \$18,500 minimum and continue to run with it?

Senator LINCOLN. Mr. President, I would think the first year would probably satisfy most of that cost because it would bring everybody up to that level at that time. It has no provision for bumping anybody else's salary from that level up, and the cost of hiring a new teacher to a school district when they understand it is \$18,500, really I do not think could be considered an increase. I think it would have to be handled through our normal increases in ESBE and transportation costs and other such factors which we supply to basic education. I am not really concerned that there is going to be an additional cost of X millions of dollars.

Senator RHOADES. Mr. President, not necessarily as much a concern as, say, the second or third year additional costs, but shall we say a commitment or concern or an understanding that we will address any concerns. In other words, \$18,500 right now requires \$6.4 million to put us all on line. What I am concerned about is that next year to maintain that line we will build that into the ESBE formula, so the local districts do not have to go back and raise their local taxes to maintain this level.

Senator LINCOLN. Mr. President, I would say to the gentleman that the first two budgets Governor Casey has proposed to this General Assembly have been two of the best in my sixteen years in the General Assembly in its commitment to basic education primarily. I would suspect that a commitment to funding \$6.4 million and actually having the law changed after twenty-five years, I could speak for this Administration in saying that they will be prepared to take the responsibility for additional costs as they come along.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Helfrick and Senator Lincoln. Their temporary Capitol leaves will be cancelled.

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

Senator LOEPER. Mr. President, on the amendment. I would simply point out to the Members some of the effects that an amendment of this type may have and the implications it could have on a statewide basis. Number one, Mr. President, it could very well provide for a ripple effect throughout our school districts as far as establishing a minimum salary bill. I am very fortunate in the area I come from that I believe all my school districts already meet that minimum standard salary. However, there are other districts throughout this Commonwealth that do not. It seems to me, Mr. President, what we are doing is setting a precedent, that we are talking about a statewide bargaining process. We are talking about a starting point that local school boards are mandated to start at. One of the reasons we elect our local school boards is to try and keep our educational needs attuned to the community and, therefore, have the local representation on those boards. It seems to me, Mr. President, this amendment, if it is adopted this evening, could very well hamper the efforts of many of our school directors at the bargaining table as far as their starting limits are concerned.

One additional factor, Mr. President, which I believe should be taken into consideration, is that if, in fact, we mandate a specific minimum salary, there currently is no appropriation in the General Fund budget that would defer the impact of this settlement or mandate to our local school districts, and for those reasons, Mr. President, I would just ask the Members to keep those in mind when they vote on this issue.

Senator AFFLERBACH. Mr. President, over the years if we have strived to do anything with our educational system in the Commonwealth, it has been to provide an equal educa-

tional opportunity for all of our children throughout Pennsylvania, regardless of whether they happen to reside in an area which has a sufficient tax base and is sufficiently wealthy—for lack of a better term—to provide the best education possible in the public school system, or whether they happen to reside in an area that does not have a sufficient local tax base and, therefore, simply could not of its own volition provide an equal opportunity education. We have established a subsidy formula to assist these districts, but even with that subsidy formula there is one part that is still left out and that is the ability to provide those students with the best teaching talent. Obviously, if we do not mandate a minimum starting salary statewide, there are districts which will not attract the best talent out there because they are paying a starting salary that is substantially less than other districts that are attracting the top talent.

This particular amendment does nothing more than to further our longtime goal and belief that there should be equal educational opportunity for all students, and that includes having access to the best teaching talent available to be starting in that school system. I would ask for a “yes” vote on the amendment.

Senator HESS. Mr. President, would the gentleman from Lehigh, Senator Afflerbach, yield to interrogation?

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

Senator AFFLERBACH. I will, Mr. President.

Senator HESS. Just so I am clear on his reasoning, Mr. President, I understood that the gentleman was concerned about equal opportunity for all students. As I read this amendment—and I hope the gentleman would agree—all school districts throughout the Commonwealth would have to start at \$18,500. Is that correct?

Senator AFFLERBACH. That is correct, Mr. President.

Senator HESS. Mr. President, would the gentleman agree that there are districts now in this Commonwealth paying \$18,500 that would not get a penny from this proposal?

Senator AFFLERBACH. Mr. President, I would suspect that is the case. There are certainly districts that are paying more than \$18,500 as a starting salary, yes.

Senator HESS. Mr. President, would the gentleman believe me if I told him some of those districts already paying \$18,500, which would not get a penny from this, are some of the poorer districts in this Commonwealth?

Senator AFFLERBACH. Mr. President, I would have no reason to doubt the gentleman. I am not familiar with the specific districts. Perhaps he could name them.

Senator HESS. Mr. President, I speak specifically of those districts of which there are approximately 200 that do not receive full funding, so, in essence, you are telling those districts which do not get their fair share as yet—but we are all working towards that goal—which are way above \$18,500, that they will not get a penny under this proposal. You have other districts which are getting over 100 percent of what they earn in the formula, and they are below \$18,500. So, I do not think we are treating school districts and their taxpayers

equally until all school districts receive fair equity in the formula. It just does not make sense that some districts have moved ahead and we penalize them, and those districts which have kind of sat on their duffs regarding teacher salaries and the needs thereof, we give them money. It just does not make any sense to me.

Senator AFFLERBACH. Mr. President, if the last comment of the gentleman was directed in the form of a question, I would say that he makes the argument for the amendment. It is precisely those districts which he indicates have been sitting on their duffs that would be required to get off their duffs under this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—36

Afflerbach	Helfrick	Mellow	Salvatore
Andrezeski	Holl	Musto	Scanlon
Bell	Jones	O'Pake	Shumaker
Bodack	Kelley	Regoli	Stapleton
Fisher	Lemmond	Reibman	Stewart
Fumo	Lewis	Rhoades	Stout
Greenleaf	Lincoln	Rocks	Tilghman
Greenwood	Loeper	Romanelli	Williams
Hankins	Lynch	Ross	Zemprelli

NAYS—11

Armstrong	Hess	Madigan	Stauffer
Brightbill	Hopper	Peterson	Wenger
Corman	Jubelirer	Shaffer	

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?

LINCOLN AMENDMENT II

Senator LINCOLN, by unanimous consent, offered the following amendment No. A4497:

Amend Title, page 1, line 13, by removing the period after "SUBSIDY" and inserting: ; and providing for school performance incentives.

Amend Bill, page 9, by inserting between lines 17 and 18:

Section 4. The act is amended by adding a section to read:

Section 2594. School Performance Incentives.—(a) The purpose of this section is to establish a program of school performance incentives to reward significant improvements, to evoke further improvements and to foster collegial participation by school employes in improving school performance.

(b) Any public elementary school, secondary school or area vocational-technical school is eligible to receive the school performance incentive payments provided by this section.

(c) (1) School performance will be determined by improvements in student accomplishment using the following criteria:

(i) student achievement as measured by performance on Statewide tests;

(ii) dropout rates as measured by the increase in the proportion of students continuing their education in grades seven through twelve; or

(iii) students going on to higher education as measured by the proportion of high school graduates going on to attend either a two-year or four-year college or university or a degree program in a specialized degree-granting institution.

(2) Improvements in school performance shall be calculated on performance levels during the year prior to the year in which incentive payments are made compared to performance levels during either the immediately preceding year or the average of the two immediately preceding years.

(3) All data submissions from the schools shall be subject to audit and any incentive payment amounts subsequently determined to be excessive due to inappropriate data shall be deducted from subsequent Equalized Subsidy for Basic Education payments.

(4) The Secretary of Education shall monitor and evaluate the criteria for selection of schools and shall annually determine and publish the required level of performance improvement for schools to be awarded incentive payments. Any revisions shall be proposed on or before September 1 of the fiscal year prior to the fiscal year in which the incentive payments are to be distributed.

(d) The Secretary of Education shall award on account of each school that meets the required level of performance improvement an amount equal to one thousand dollars (\$1,000) multiplied by the number of professional employes in each qualifying school. In the event that the funds appropriated are insufficient to cover the entire amount per school, the amount per professional employe shall be prorated. Each school performance incentive payment shall be made in a single payment, and the Secretary of Education shall draw his requisition upon the State Treasurer in favor of each school district with qualifying schools pursuant to the provisions of subsection (c) for the amount to which its schools are eligible.

(e) (1) Incentive funds shall be paid to the school district for use only by schools which qualify pursuant to subsection (c). Payments received by qualifying schools may be applied to one or more of the following uses:

(i) teaching materials, including books, audio-visual aids and computer software;

(ii) initiatives which reach to families to evoke home support of the work of the school and otherwise involve families in the school;

(iii) assistance in the introduction or advancement of curricular, instructional or school climate improvements at the school building level;

(iv) other uses reasonably expected to improve school performance or to enhance teaching and learning or the educational climate of the school.

(2) Uses of incentive funds, as provided for in paragraph (1) of this subsection, in each school shall be determined by the regular full-time and part-time school employes in the school building through a selection process of their choice.

(f) Incentive funds provided pursuant to this section shall be used to supplement and not to supplant any other sources of funds for the operation of the qualifying schools and the instructional program of such schools.

(g) (1) Each school receiving a school performance incentive payment shall report to the Secretary of Education no later than October 31 of the fiscal year following the year in which such funds were expended by the school on the use of the funds and the results of the use of such funds. Each school district with one or more schools receiving school performance incentive payments shall report to the Secretary of Education no later than October 31 of the fiscal year following the year in which the funds were expended by the school district on the maintenance of the fiscal effort on behalf of such schools by such school district. Each school which receives an incentive payment must report to the Secretary of Education, within forty-five calendar days from the receipt of official notification from the department that the

school is the recipient of an incentive payment, on how the incentive payment will be utilized. Reports by schools and school districts, as provided for in this subsection, shall be submitted in a form determined by the Secretary of Education.

(2) The Secretary of Education shall annually file with the Education Committee of the House of Representatives and the Education Committee of the Senate a report on the operation of school performance incentives program provided for herein, including the results of the monitoring and evaluation of the criteria and any recommendations for changes in the selection criteria.

(h) Nothing in this section shall be construed to deprive any employe, any employe organization or any public employer of any rights, including rights of representation, enjoyed under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," or under other provisions of this act.

(i) For purposes of this section, "school employe" means any teacher, including an intermediate unit teacher assigned to a building, principal, supervisor, school librarian, school counselor, aide, school nurse, dental hygienist, home and school visitor, custodian, school secretary, and any other professional employe as defined in section 1101 of this act.

Section 5. Initial performance incentive payments under section 2594 shall be made during the 1988-1989 fiscal year.

Amend Sec. 3, page 9, line 18, by striking out "4" and inserting: 6

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, this amendment would return the language that the Governor had proposed back in February in his initial budget—and there was funding with it—that would make Pennsylvania the first state in the nation to adopt a statewide program to provide cash incentives to schools which significantly improve student achievement. In the first year, 1988-89, incentive payments would be made for improved results on the statewide mathematics and reading tests, on the rate of students going on to higher education—including degree granting trade and technical schools—and on the rate of dropouts. The Secretary of Education would annually establish and publish the levels of improvement needed to qualify. The General Assembly could revise or add criteria. These incentive funds would be paid to school districts for use only by the schools earning them. At each school the school employees would recommend uses for the funds. Such uses could include the purchase of classroom teaching materials, efforts to involve families in schools, improvements in curriculum and other efforts reasonably expected to enhance the educational climate and to improve student achievement.

Mr. President, the budget which was signed by the Governor last week I believe includes \$3 million which this would cost.

Senator LOEPER. Mr. President, it is my view that when we come to a final resolution of the budget, this will be an item that certainly will be one of consideration, but at this point in time I have some serious reservations about the discretionary power that is granted with the Secretary of Education in the awarding of these particular grants, and I would ask for a negative vote on the amendment.

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

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

YEAS—22

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

NAYS—27

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

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

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

LINCOLN AMENDMENT III

Senator LINCOLN, by unanimous consent, offered the following amendment No. A4502:

Amend Title, page 1, line 12, by striking out "AND"

Amend Title, page 1, line 13, by removing the period after "SUBSIDY" and inserting: ; and further providing for reimbursements by the Commonwealth.

Amend Sec. 3 (Sec. 2502.5), page 8, line 7, by inserting after "SECTIONS: and section 2502.15

Amend Sec. 3 (Sec. 2502.5), page 9, line 1, by striking out NINETY-SIX POINT THREE PERCENT (96.3%) and inserting: ninety-three percent (93%)

Amend Bill, page 9, by inserting between lines 17 and 18:

Section 4. Section 2502.11(b) of the act, added December 20, 1983 (P.L.267, No.73), is amended to read:

Section 2502.11. Economic Supplement.—* * *

(b) (1) For the school year 1982-1983 [and each school year thereafter] through the school year 1986-1987, each qualifying school district shall be paid on account of children in low-income families an amount in accordance with the following table:

Percentage of Low-Income Pupils	Grant Per
In Average Daily Membership	Low-Income Pupil
10 - 19.9	\$100
20 - 39.9	\$300
40 or over	\$500

(2) For the school year 1987-1988 and each school year thereafter, each qualifying school district shall be paid on account of children in low-income families an amount in accordance with the following table:

Percentage of Low-Income Pupils	Grant Per
In Average Daily Membership	Low-Income Pupil
8 - 14.9	5 percent of prior year median AIE/WADM
15 - 29.9	14 percent of prior year median AIE/WADM
30 or over	23 percent of prior year median AIE/WADM

(3) For the 1982-1983 school year and each school year thereafter, low-income pupils are defined for purposes of this section as children aged five (5) to seventeen (17) years, inclusive, in families receiving a grant in excess of two thousand dollars (\$2,000) from the Commonwealth on account of dependent children under Title IV of the Federal Social Security Act.

Section 5. Section 2502.13 of the act, amended July 10, 1987 (P.L.286, No.50), is amended to read:

Section 2502.13. Small District Assistance.—For the 1984-1985 and 1985-1986 school year [and each school year thereafter], the Commonwealth shall pay[,] to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, an amount equal to fifty dollars (\$50) multiplied by that district's average daily membership. For the 1985-1986 school year, no school district shall receive less on account of this section than it did for the 1984-1985 school year. For the school year 1986-1987 and each school year thereafter, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1985-1986 school year, an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership. For the 1987-1988 school year and each school year thereafter, no school district shall receive less on account of this section than it did for the 1986-1987 school year.

Section 6. This act shall be retroactive to July 1, 1988.

Amend Sec. 4, page 9, line 18, by striking out "4" and inserting: 7

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, this amendment is probably the most important amendment, and it is the most important part of the budget that we deal with annually. It is something that the way it has been handled last year and this year is a little bit disappointing because I have been involved in the process of funding education. It has been one of the areas that I, unfortunately, fell into when I first became a House Member, and in each year I have been involved in this process in the past we have seen a very good bipartisan effort made to come up with changes in the subsidy which would occur not annually up until the last couple of years. Years would go by when we would not change the subsidy formula. In 1979, the first year of the Thornburgh Administration, we made some major changes, and they were done, even though we were in the Majority, in a very bipartisan manner. Periodically from that point until today we have done the same thing. To me that was a tribute to the caliber of people who were involved in the Education Committees in both the House and the Senate in that the first priority and the first interest was in how we handled basic education in this Commonwealth. If you look at the dollar amounts out of this budget, it is almost \$2.5 billion for one item, and it really disturbs me when I see the kinds of changes that are made in this bill as it stands before us now. I hate to think, but probably by reading it a couple more times I will convince myself that my first impression was correct, that the Majority did make changes in

the subsidy formula not necessarily in the best interests of all the students in the Commonwealth, but were done to specifically help Republican Senate districts and specifically done to hurt Democratic Senate districts. I know we stand before one another on this floor and do a lot of things, say a lot of things, try to put one another in bad positions and go back home and talk about how lousy the other party is, and that is all part of this process, but I really am fearful of what happens when that attitude pervades the most important part of this budget, and that is how we fund our public schools.

The amendment I would offer would implement the Governor's proposed ESBE, payable during the 1988-89 school year. The important thing to remember is that, historically, school districts rely upon the Governor's proposal as a safe bet, and many districts include this amount in their budgets, and you know by law we have forced the 500 school districts in Pennsylvania to have a budget passed by June 30th—their fiscal year runs the same as ours—and those budgets are unable to be opened if we do not specifically give them the approval in some budget language or some bill that we pass. Right now we have 500 school districts which through March, April, May and into June when they were formulating their budgets, when they were posting them, as we do, and when they were publishing them, which they have to do, they were dealing with numbers based on what has been traditionally their manner in doing things by taking the Governor, no matter who he is, and taking his proposed budget and dealing with those numbers and staying very close to them on their final budget passage. This year that was done throughout Pennsylvania, and we saw many of our school districts passing budgets based on numbers which had been sent to them by all of us zealous Legislators who want those people to know how much they are getting over and above what they received the year before.

The Governor's ESBE uses a fee of \$2,230, which is the same as the Senate Republicans, a minimum guarantee of 93 percent of full funding, and the Senate Republicans go to 96.3 percent. An increase in the poverty supplement is included in the Governor's subsidy formula, a continuation of Pittsburgh's special grant of one million dollars by including it in the district's base, and unlike every other factor in the ESBE formula—now listen to what I am saying—the poverty supplement has never been increased. This is the first time we are doing that. As many of you know, the formula is like a beanbag. When you take one bean, the whole bag moves and it really has some crazy effects, and over the years we have worked very hard to make sure that whenever those beans start moving, when they finally stop, they stop in a manner that each school district is helped rather than hurt. We have gone to the increased limits of saying that no school district can receive less than 2 percent and no school district can receive more than 8 percent. That is so school districts that do not really qualify for increases get something, and those that may have a large, large increase at least get 8 percent. We have kept that cap there for a number of years now.

The cost of this amendment and the cost of what we will be spending under the ESBE formula is \$2.497 billion. This amendment is about one million dollars more than what is currently appropriated in the budget that we have proposed before us. I do not know, sometimes I get really amazed at how the Majority in this Body gets their people to vote for things. I get envious. I wish I had the ability to do that.

One of the things that is interesting about this is there are Republicans who have a net loss if the amendment is not accepted. House Bill No. 1013, as it was amended in the Committee on Appropriations and as it is now written, has net losses in their Senate districts. For the gentleman from Allegheny, Senator Pecora, the loss is \$125,000; the gentleman from Centre, Senator Corman, has a net loss of \$48,000; the gentleman from Forest, Senator Peterson, who has an awful lot of small, very poor school districts, loses \$241,000; the gentleman from Dauphin, Senator Shumaker, who would stand to lose greatly by the change in the poverty section of this particular bill, loses \$167,000; the gentleman from Delaware, Senator Bell, has one of the hardest hit districts by reducing that back to what it was in that he will lose \$276,000, and most of that is in one school district; the gentlemen from Philadelphia, Senator Salvatore and Senator Rocks, lose \$8 million for the City of Philadelphia School District by accepting what is in House Bill No. 1013 and not what is in this amendment.

There are a number of Democrats who have substantial losses: The district of the gentleman from Allegheny, Senator Romanelli, loses one million dollars. We have the Philadelphia contingent here who shares that \$8 million. I lose \$307,000, and I have some of the poorest school districts in Pennsylvania. Senator Stout in my neighboring County of Washington has a total loss of \$220,000.

What is even more amazing about what the Republican Majority did in offering their amendment in committee and passing it is that even though there are many of their Members who have net increases throughout their districts, the Lancaster School District of the gentleman from Lancaster, Senator Armstrong, will lose \$42,000. The gentleman from Lebanon, Senator Brightbill, even though he has a net increase throughout his district, in Cornwall-Lebanon he loses \$45,000, in Eastern Lebanon he loses \$31,000 and in Wilson School District he loses \$49,950. The gentleman from Centre, Senator Corman, is going to be able to go back and tell Bald Eagle—and I can tell you Bald Eagle Area School District has one of the lowest tax bases and has the highest percentage of aid ratio of any school district in the state—they will lose \$54,000 if you keep House Bill No. 1013 the way it is. Cameron County School District loses \$28,000; Clearfield Area loses \$31,000; Mt. Union Area loses \$33,000. I want to tell you the significance of that. We are talking billions and billions of dollars in combined budgets, maybe \$19 billion or \$20 billion in all the budgets we are going to pass here before it is all over with, and \$31,000 or \$28,000 or \$54,000 does not sound like anything, but I have school districts at one mill of tax that raises \$9,200, and there are school districts in Penn-

sylvania such as the ones in Senator Corman's district that have a lesser amount per mill that they raise. So when you are talking \$30,000, sometimes that is 4 mills of property tax in some of these school districts. The Easton Area School District loses \$80,000; the Shamokin Area School District of the gentleman from Northumberland, Senator Helfrick, loses \$45,900; the York City School District of the gentleman from York, Senator Hess, loses \$38,000; the Norristown Area School District of the gentleman from Montgomery, Senator Holl, loses \$56,000; the Northeastern York County School District of the gentleman from Cumberland, Senator Hopper, loses \$44,000. The gentleman from Blair, Senator Jubelirer, also has very poor school districts. His district is an awful lot like mine when it comes to the school districts. In Forbes Road School District he loses \$28,000, and in Mt. Union Area School District he loses \$33,000. The gentleman from Luzerne, Senator Lemmond, loses \$27,000 in Tunkhannock Area and Wyoming Valley West loses \$41,000. The school district of the gentleman from Bradford, Senator Madigan—and I know that Northern Tioga has to have a tax base maybe of \$8,000 or \$9,000 a mill—loses \$35,000. The gentleman from Perry, Senator Moore, Fannett Metal loses \$31,000 and West Perry loses \$80,000. I have already given you Senator Pecora's numbers. The gentleman from Schuylkill, Senator Rhoades, really loses hard in his district. We joke about it because he and I have been friends, and we have worked on a lot of issues together for the last eight years. If we switched the state around he would have my district and I would have his. He has five school districts: Mahanoy Area loses \$31,000; Minersville Area loses \$32,000; Pottsville Area loses \$69,000; St. Clair Area loses \$29,000, Weatherly Area loses \$32,000. The gentleman from Butler, Senator Shaffer, has two school districts that lose \$73,000 combined. The gentleman from Lancaster, Senator Wenger, has two school districts that lose \$70,000 combined. The gentleman from Mercer, Senator Wilt, has a district that loses \$40,000.

It does not make any sense. I do not know what kind of magic you use to get people to vote for things that do that. I think what we ought to be doing is trying to help every school district and not just pick certain ones out. We are talking about an awful lot of money, and we are talking about things we have done over the years such as for southeastern Pennsylvania where a number of years ago they were limited to certain percentages that they could be reimbursed because they were very wealthy districts. We have increased that percentage up to about 15 percent, I think, maybe 17 percent. That was done because of the gentleman from Bucks, Senator Greenwood. Senator Greenwood came in and recognized that problem existed, and he represented his area and the area of southeastern Pennsylvania very well, and we responded to that. I am really not all that excited about this I guess, because this bill is going to end up in a Committee of Conference and will be dealt with whenever we finally resolve the differences that exist on a number of other issues. But, I think it is just a little scary that we would set a pattern between those of us in the General Assembly who have always cooperated with one

another, and what I am afraid of is that this is going to escalate and become almost as bad as all the other silliness we get involved in in late May and June and sometimes into July, like we are this year. I would ask the Members of the Republican caucus to take a hard look at this amendment and do not send a message out that you are going to be playing games with people who have no idea what is going on. Do not let your school districts have to now look at a budget that may even have more money than what you propose, but they still have a budget passed. I think in fairness we should be looking at the Governor's budget. We should be looking at what he is proposing to do on the ESBE, and I would think there are probably going to be some changes. We went to the distressed school districts and we helped some of those a couple of years ago. We went to the small school districts and made it that if you had a factor where you had so few students in a large area, you got a little bit extra money. This is something very serious, and it really should be separated and taken out of the context of the emotions and the almost incredible position we have gotten ourselves into on the budget. I believe this amendment would go a long way towards putting things back into perspective, at least in the ESBE formula, and I think from that point on we probably would be able to start dealing with some of the other issues. Mr. President, I ask for a positive vote.

Senator ZEMPRELLI. Mr. President, I would feel very, very badly if I did not make some brief remarks, because failure to address this subject would almost be an inclination towards believing that I have no sensitivity, and that I, in fact, might condone in some sense the bill that is before us. Let me just briefly say that of the sixteen school districts that touch upon the Forty-fifth Senatorial District, each school district, with one exception, sustains a loss between the Governor's proposed budget and the Republican version. Fifteen of the sixteen districts would sustain losses. The largest loss would be to the most distressed school district, the City of Clairton, my hometown. One-third of the total losses within that Forty-fifth Senatorial District would be that community. It is incredible that somebody could make a distribution by formula that would wreak the kind of havoc that the Republican version of this bill would bring if it were allowed to remain intact. I would have to believe that your actions were inadvertent and not by design, because if by design, it shows a callousness and a lack of sensitivity that is absolutely unbelievable. I would resist the bill without the amendment as proposed by the gentleman from Fayette, Senator Lincoln, with the last ounce of my blood or else I could not return to my community and justify my service to this office. I believe that of necessity this bill has to end up in a Committee of Conference. It still does not justify the kind of charades we are playing because maybe it was not spoken of in very high tones or high articulation, but the fact of the matter is that budgets went in place on July 1st, and for a community such as the City of Clairton to be told that budget is now going to be shy \$50,285 is a monumental financial disaster, because the formula does not take into consideration the complex nature

of the financial affairs of the community that has no ability to raise separate funds or to go out and borrow \$50,285. I do not know that there are too many people who understand there are some communities that are not able to borrow money because they have no ability to pay it back. What you have done and how you have done it I do not know, but those communities that are in the greatest need are the ones you have dumped upon in the cruelest, most insensitive way.

I will not say another word about this matter, hopefully bringing those who are responsible to the recognition that there is a need to look carefully at what havoc has been brought by the amendments that were placed in committee. Totally insensitive. If I wanted to, I could make a political issue on this print-out alone as to the difference between political parties and their attitudes. That is not my purpose. My purpose is to see that the children in these communities have the wherewithal, the appropriation, to get some equality and parity in the education process. I do not seek political favor. That is not what this is all about. I would ask that you consider the amendment that would restore the Governor's attitude and his appropriations and budget recommendations with respect to the increases and suggest to you that those are the ones people had a right to rely upon at the time they exercised their duty to pass a budget. That is all there is to say.

Senator HESS. Mr. President, would the maker of the amendment, the gentleman from Fayette, Senator Lincoln, yield to interrogation, please?

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

Senator LINCOLN. I will, Mr. President.

Senator HESS. Mr. President, if I read this amendment correctly, the one change that was made was a change in the poverty factor from the current version we now have before us. The amendment would make that change?

Senator LINCOLN. Mr. President, there is at least one other change, and that deals with the guarantee of percent of full funding. This amendment would return it to 93 percent, and the bill as it currently is drafted I believe is at 96.3 percent. In addition to the poverty change, I believe the only other change is that there would be a continuation of the Pittsburgh special grant of \$1 million by including it in their base. I think those are the three changes.

Senator HESS. Mr. President, I thank the gentleman, and he has answered my second question. My third question, Mr. President, would be, under his outlook when he figured dollars and mentioned the words "this district loses," would the gentleman be kind enough to inform me as to how much money he proposes to distribute through TELLS under the Governor's proposal?

Senator LINCOLN. Mr. President, there is \$14 million in the budget at the present time, but the Governor is committed to \$28 million, which I believe came to us in House No. 1480 when it passed the House.

Senator HESS. Mr. President, I am somewhat confused now. The Governor's original budget had \$14 million for TELLS. When this Senate passed its version of the budget, it

had \$28 million and the Governor cut \$14 million, going back to his original \$14 million. Does the gentleman have anything in writing, Mr. President, to indicate the Governor has changed his position regarding that \$14 million for TELLS?

Senator LINCOLN. Mr. President, the only thing I can tell you is that every bit of correspondence I have received from the Governor's Office relative to the problem we have right now and in every conversation I have had I have been told that whenever this Senate takes House Bill No. 1480 and passes it—and there is always a litany of the items that are in that particular bill—the Governor is willing to accept those particular items. I understand House Bill No. 1480 has \$28 million in TELLS money, so I would have to, I think, conclude that the \$28 million that is in House Bill No. 1480, if it is sent to the Governor, will be signed and become part of the law.

Senator HESS. Mr. President, may we be at ease until we can check that bill, please.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator LINCOLN. Mr. President, I may be able to help the gentleman. There is a print-out that we have which is dated July 5, 1988. It is the 1988-89 combined General Fund budget. It is everything that is included in House Bill No. 1480. If you go to page 10, and I believe it is the first line, Excellence in Education Sequence No. 726. Available, revised 6/10/88. 1987-88 fiscal year: \$28 million. 1988-89 appropriation: 1988. 5A—whatever that means. I believe what the Governor signed into law is \$14 million. 1988-89 House Bill No. 1480, Printer's No. 3579, \$28 million, which is an increase of \$14 million.

From every bit of correspondence I have seen from the Governor's Office, when we finally do pass what they have called, for lack of anything else, a supplemental budget, it will be accepted by the Governor, and this bill is within the guidelines of the revenue estimates, so I do not see that as being a problem. I think if we pass House Bill No. 1480 tonight and send it over, you would have \$28 million in the TELLS program.

Senator HESS. Mr. President, I thank the gentleman, and I would just like to inform him the information our office has received, both from the Secretary and from the Governor's Office, is that the TELLS money would be \$14 million. This is from the Governor's Office and the Secretary of Education. The gentleman is absolutely correct when he says the \$28 million is in the House version that is now in the Committee on Appropriations. He is absolutely correct on that. Information we have received is that and based on the Governor's reaction to our budget. The reason I say reaction to our budget is the Governor did not blue-line any part of the ESBE, but when the Governor had a chance to accept the \$28 million for TELLS, he knocked out \$14 million, so that is where my confusion is. My argument is not with the gentleman across the aisle, Senator Lincoln. It is that I cannot understand words versus actions, and those words only he received from the Governor's Office. I did not and no one else I know of has.

Senator LINCOLN. Mr. President, I think under the circumstances there, unfortunately, is an awful lot of no communication between people who have normally communicated with one another very well. I have a longtime personal relationship with the gentleman from York, Senator Hess. He and I have traveled the state together, both when I was in the House and as a Senate Member, and to my knowledge the gentleman has never tried to do anything that would not be completely 100 percent up and up with me, and I can tell him tonight I am hoping to continue with that historical background that he and I have developed in being completely honest and up front with him. The person who developed these amendments with me was Bob Feir—I will give you his title; I do not like to give him too big of a title, but I have one of his cards—who is the Director of Policy and Government Relations. He wrote what I read into the record. He has worked very patiently with me trying to make a thick head like me understand some of the intricacies of this particular issue. What I read concerning my amendment came from the Department of Education and came from the Governor's Office, and I feel very comfortable in saying to you that if House Bill No. 1480 were passed today in its present form, including the \$28 million for TELLS, that is precisely what you would find being spent in the next fiscal year for TELLS.

Senator HESS. Mr. President, I have no doubts about what the gentleman says his belief is. I should note for the Members of this Body that the TELLS money is not referred to in the amendment. He is absolutely correct when he says it was in the House version. The only question mark I have in my mind is not his word or his belief, it is, where does the Governor and where does the Secretary of Education stand? The only statement that I would take issue with was that the gentleman said the formula was drafted to benefit Republican districts over Democratic districts. I know everybody is hungry and tired and I am not going to take the time to read them, but I have a list here of districts sprinkled throughout this state that would have benefitted from our direction that we took. They are both Republican and Democratic. If we can keep on the course of trying to find equity for all districts in this Commonwealth, 361 districts would benefit within two years. I can assure the gentleman there are at least 150 Democratic and 150 Republican, and I would not in any way try to mislead him.

The gentleman from Allegheny said we are having a charade. Let me explain, very briefly, what we tried to do in our proposal. Since the subsidy formula was changed in a major way five years ago because some districts spent more and some districts spent less, we had to set certain minimum guarantees because we did not have enough money then and we do not have enough money today to reimburse every district for what they actually earned. A reporter asked me the other day, what the hell does that mean? Well, I will explain it to you. Let us assume the gentleman from Fayette, Senator Lincoln, and I are working at a job at \$5.00 an hour for forty hours a week and our gross pay is \$200, but because he is not fully funded—and let us assume he is a 90 percent district—

for his week's work he gets \$180 and I get \$200. I do not think that is fair and I do not think Senator Lincoln thinks that is fair, and I do not think the 361 school districts throughout this Commonwealth feel it is fair that they do not receive—and under this amendment will have little hope of receiving in the near future—what they earn. It is that simple. They do not receive what they earn. I am not going to read the districts and every Democrat's district and try to embarrass anybody because they are Democratic or Republican districts. It does not matter what your political title is. It means that, since we had the 80 percent guarantee—and I think some of you remember my little talk when Governor Thornburgh forgot about the 80 percenters—we then went to 85 percent, meaning we were guaranteeing them 85 percent of what they earned. Then we went to 90 percent, and this year the Governor recommended 93 percent. That is a step forward. I do not argue with the gentleman.

Our proposal merely says that if you are not getting at least 100 percent of what you earn, we would like to take you up to that 100 percent as far as we can, and we do not care whether you are a Democrat and we do not care whether you are a Republican. You could be a group of Independents, if you like, just to create fairness and equity. For example—and please read it back to me during the next election—the gentleman correctly mentioned York City. York City receives 100 percent of what they earn. He is absolutely correct, they get less under this proposal. But the other districts in my county that are growing and who have more students, and when the subsidy dries or let us say they worked more hours in a week, they do not get what they earn. All we are saying is, no, you still will not get 100 percent of what you earn because we know there is not enough money there, and we are not trying to change the Governor's dollar figures at all. I feel that for the next two years if we would take two steps and get every district to 100 percent, then we can address other areas of the subsidy formula. Some of you might be surprised to know that under this amendment where you just attacked the poverty factor—and a large amount of that money does go to Philadelphia because they earn it under the poverty factor, but under this change they get more money for fewer poverty students than they would have last year. That to me is inequity when other districts do not receive 100 percent of what they earn. Every Senator in this Chamber, except for one or two, is affected when you do not get what you earn. I can assure the gentleman there was no charade. I can assure the gentleman we were not comparing apples to oranges, and I can assure the gentleman that in no way did I have any political intentions of helping anyone or hurting anyone. The goal was to try to get each district up to 100 percent of what they earn. That is it. Period.

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

Senator LINCOLN. Mr. President, there is one very basic difference in the approach of the gentleman from York, Senator Hess, and mine. It is the first time I have ever seen that basic difference arise between him and me in an issue

dealing with education. In every budget I have been part of in the past, we did not come on the floor of the House or the Senate, wherever I happened to be serving at that time, and say that we have winners and losers. We sat down and put aside many of our differences and negotiated with Governor Shapp, Governor Thornburgh and, now, Governor Casey and said we need more money in the ESBE formula, and we will not accept anything less than every school district at least getting what was proposed in the Governor's original budget. I do not remember a budget passing in the sixteen years I have served here where there were extra dollars available. I am not including the 1981 and 1982 budget years. I am not even going to blame you for those two lousy budgets, but those two years there was not any money. There was not anything to worry about dividing up, but any time I have seen \$140 million, \$160 million, \$180 million or \$200 million put into a budget, we have made sure that no one is a loser. To say to me this evening that there is not some intention of seeing that certain school districts get help at the expense of others when the bill before us and the print-out from that bill shows that there are people who gain at the expense of others, there are Members of that caucus on the other side who are taking \$8 million from Joe Rocks and from Hank Salvatore and divvying it up. That is where it is coming from. There is a loser. You are taking \$307,000 from my county alone and you are giving it to somebody else. That makes a big difference. You have a winner and you have a loser. I have never had to stand on the floor of either of the Bodies I have served in and say that we are now looking at losers and winners because of what we have in a bill before us dealing with the subsidy formula. There may have been adjustments made during the negotiations or the changes, or whatever took place to make those changes in the subsidy formula, and those numbers may have varied and jumped around and did whatever, but it has never come to this floor where we are going to be voting to protect increases that were given at the expense of other school districts.

I am telling you that is a bad thing to do because this is a strange system that we operate under. There are fifty people here in this Chamber now. Four years from now there definitely will not be the same fifty people, and it may not even be the same political mix. There may end up being twenty-five Democrats and twenty-five Republicans. There may end up being twenty-six Democrats and twenty-four Republicans. I hope I am here at that time and I can keep my party from taking the step that was made in House Bill No. 1013. I can be as partisan, I can be as nasty, I can get as emotional as anybody in this Chamber, and I am telling you that in spite of what we are going to do here tonight and in spite of how the vote may come out on this amendment I am offering, I am telling you publicly that I will never be part of this, that I will always, as long as I am part of the process, say no to this type of effort and say no to taking from one to give to another. Even on the worst of budgets we did not do that, even when your party controlled both Houses and you could have taken the subsidy formula and done anything you wanted with it,

and it would have really been a good time to do it because then you needed the money. Everybody was screaming for increases in the early 1980's. It was not done. I am asking you to take a good look at this, not a partisan look and not a call the roll and all the R's are going to say "no" and all the D's are going to say "yes," and we go home and forget about it, because this debate tonight and everything we are doing is going to be part of this record. I may not be part of this process the next time this issue becomes something that we are dealing with, and there may not be someone else like the lady from Northampton, Senator Reibman, who has kept a level head throughout all the years she served here and has argued for school districts in both caucuses. There is no way we can allow this to happen. I do not care what we do, but we cannot let the kind of stupidity that we are all putting ourselves into in this budget process, we cannot allow that to become part of the one issue that has to be sacred from that type of conniving and sneaking and putting and doing whatever. We cannot do that. I will tell you right now, if you will say to me that we will not run this bill, I will withdraw my amendment and say to you that I am willing to sit down and talk about putting together something in House Bill No. 1013 that is more workable.

POINT OF ORDER

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

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

Senator BRIGHTBILL. Mr. President, the gentleman in his debate is referring to conniving and sneaking and words which I believe refer to motivation, and I was of the impression that—

The PRESIDENT pro tempore. I would ask Senator Lincoln to confine his remarks.

Senator LINCOLN. Mr. President, I withdraw that part of my remarks. As I said, I am as emotional as the next person and sometimes my mind and my mouth do not work together, and I apologize if that was offensive to anyone.

I will repeat my offer to withdraw this amendment tonight. It has been amended so I do not know how much later it would be before we would probably get it reprinted. I would hope the Republican caucus could take my amendment to House Bill No. 1013, and in the time period between the time we are going to leave here this evening and by the time we get back and do some other work, take a look at it. I am more than willing to do that, and I am not saying that with just the thought that it is going to be defeated, because accepting my amendment or defeating my amendment has really nothing to do with what I am talking about, and I would ask you to think about that. I will withdraw the amendment at the slightest indication that the bill would go over, and I would be more than happy to sit down and discuss this issue with anyone, anytime, anyplace.

Senator RHOADES. Mr. President, I desire to interrogate the gentleman from Fayette, Senator Lincoln.

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

Senator LINCOLN. I will, Mr. President.

Senator RHOADES. Mr. President, in going back to step one or the beginning line, in the dollar amounts we were allocating to education for basic education, was there any significant difference between what we proposed, what you started with or what we started with, what the bottom line was for either side when we put this together?

Senator LINCOLN. Mr. President, I am not sure. I am going to give an answer I hope is correct, and I am not deliberately trying to be misleading if I am wrong, but the numbers I have in the information that has been compiled for me to debate this issue tells me the total cost of this amendment would be \$2.497 billion, and that says to me it is one million dollars more than what is currently appropriated. I would suspect that means what is currently appropriated for the fiscal year we are going into by virtue of what the Governor has signed and what is in House Bill No. 1480.

Senator RHOADES. Mr. President, that is basically the same figure.

Senator LINCOLN. Mr. President, that is basically the same thing.

Senator RHOADES. Mr. President, the fee factor we were at was \$2,125 this year. We are now going to \$2,230, which is again the Governor's recommendation, and I think we could say we have accepted that. Is that correct?

Senator LINCOLN. Yes, Mr. President, my amendment is exactly the same as that. It is \$2,230.

Senator RHOADES. Mr. President, in terms of percentage increases, we have taken a range of 2 percent to 8 percent. In other words, the minimum 2 percent and the maximum to 8 percent, or whatever percentage will get us to 100 percent. Is that correct?

Senator LINCOLN. Mr. President, in House Bill No. 1013, as it currently is written, my amendment and the Governor's proposal all had 2 percent minimum and 8 percent maximum.

Senator RHOADES. Mr. President, small district grants, that is \$75 which we are awarding as before. Is that correct?

Senator LINCOLN. Yes, Mr. President. My amendment has a small district assistance hold harmless provision.

Senator RHOADES. Mr. President, that would all become part of, I guess, the formula we are adding in. Another question I would talk about is in terms of TELLS. I have looked at \$28 million, I think, which is what we proposed from this side of the aisle, and the Governor, from what I saw last week, blue-lined \$14 million and put that to the side, but that still would come as a separate issue and item to each school district based on the number of students identified. Is that right?

Senator LINCOLN. Mr. President, this program will be operated as it has been in the past.

Senator RHOADES. Mr. President, then that should not enter into the ESBE formula; is that right?

Senator LINCOLN. Mr. President, the gentleman is 100 percent correct.

Senator RHOADES. Mr. President, I am getting an "A" so far. The only other factor I can see in there in terms of applying this formula equally across the board, whether I am satisfied with it or not, is I guess the poverty factor. Has there been a change in the poverty factor?

Senator LINCOLN. Mr. President, the Governor proposed an increase in the poverty. House Bill No. 1013, as it is currently written, reduced that increase back to the current level, and my amendment would put that increase back in place and take it back to what the Governor proposed.

Senator RHOADES. May I ask specifically, Mr. President, why we are trying to address that? Let me ask this first. How much money are we talking about? Let me put it this way. What was our past allotment for poverty?

Senator LINCOLN. Mr. President, if you can be patient with me, those kinds of numbers I do not keep stored behind my ears. Staff tells me that whenever House Bill No. 1013 was amended to take the line item for poverty funding under the ESBE, there was a \$20 million decrease in that particular line item, so the increase in poverty payments throughout Pennsylvania would total \$20 million under this amendment and under the Governor's proposal.

Senator RHOADES. Mr. President, how does that face up or compare to what we had in last year's budget?

Senator LINCOLN. It would be an increase, Mr. President, of \$20 million. The current funding level—I will use hypothetical figures—was \$180 million, let us say. The Governor proposed an increase which will take that poverty section to \$200 million. The Republican Senate version in the amendment in the Committee on Appropriations, which we have before us in House Bill No. 1013, reduced that back to \$180 million. My amendment would take that back up to the \$200 million level. Those figures are not even close to being accurate. They are just being used for hypothetical purposes.

Senator RHOADES. Mr. President, that money we took out of the poverty in our amendment that you are advocating, I am correct in saying we put that back in the ESBE formula; is that right?

Senator LINCOLN. You did, Mr. President, by virtue of increasing from 93 percent of full funding to 96.3 percent, by taking the one million dollars away from the City of Pittsburgh School District and taking the teachers' minimum salary increase and the other incentives that the Governor had proposed all thrown into the ESBE, and that is why your numbers are a little bit different than ours, because they are a bunch rather than two or three different kinds. Yes, that \$20 million was put into other areas of the formula.

Senator RHOADES. Mr. President, part of my point I am looking at is in terms of going to 96.3 percent and establishing that percentage factor, would it not also depend, too, when we come to our percentages of 2 percent or 8 percent, not necessarily this year but the year after, that the more we are able to put into ESBE, the faster we are going to be able to get to 100 percent to get everyone on line, so I can begin to take the \$2,230 and move that equitably along? I would agree there are those that are under 100 percent and there are those that are

above 100 percent, and in terms of arriving at a system because this continually changes, if we put in a system and locked it in, would that not be fairer and more equitable in terms of the formula which is being, I would say, equitably applied, based on the standards and the numbers we have?

Senator LINCOLN. Mr. President, I think if the gentleman was talking about something that could be determined in that manner, his argument would be valid, but the reason we have different parts of the subsidy formula and the reason there is a poverty section is because there are school districts that have a higher number of poverty students, and those students are, by the very nature of their background, generally more costly to educate. Generally, they are from school districts that have less money coming in to do that education. I would think that going to 100 percent funding would help some school districts but it would also, by ignoring the poverty section, hurt an awful lot of school districts, and that is precisely what we are seeing in House Bill No. 1013 right now. There are winners and there are losers simply because of the economic factors in the district, the aid ratio and the poverty. One of the problems that makes the poverty section even more important is that the AFDC students, which this poverty section is based on, those numbers have gone down for the last twenty-eight years or the last thirty years in the next census. That is why it is important to increase the dollar amount per student, simply because it does not cost any less to educate 120 poverty students than 130 poverty students. I think if you are looking for something equitable, Mr. President, I do not think you can find that 100 percent in the ESBE formula. I think it is equitable in some parts to some people and it is equitable in other parts to others, and that is why we have to balance those particular interests so that everybody gets treated somewhat fairly.

Senator RHOADES. Mr. President, I guess I would possibly agree with the gentleman if I knew the formula would stay the same, that there were not efforts made to address different concerns to play the game of seeing to make sure something goes home. What I am saying is, I have seen changes here. We did not have small district grants. We do. I profit from it so I will take it. By the same token, we looked to transportation about three or four years ago for nonpublic. Because we could not put it somewhere else, we addressed that and handled that. Now we look at poverty and I will tell you the concern I have even in terms of poverty is the fact of how is it distributed, who is getting the lion's share of it and is that fair in terms of its distribution? Again, we probably would not agree on how that is distributed. My other factor too, as the gentleman just said, is the AFDC kids. We need to address those, but that, in essence, educationally is what should be taken care of through the TELLS program in the remediation, that money being addressed to what he put into the program to get the books and to get the teachers to do the things we have to get them to perform at that particular level. I guess, basically, I can say that I have looked at these numbers, I have tried to address them and I have tried to put them into a formula. If you want to give me 100 percent funding that I can take back, that I do not have to pay any taxes on the rest,

I probably would be satisfied with that, but then someone else would not be satisfied somewhere else along the line. Let me say I do have concerns with it. From the standpoint, though, of looking at fairness and trying to be fair, I do not think I can support the amendment.

Senator LINCOLN. Mr. President, I cannot believe the conclusion the gentleman came to because he was making a better argument than I can make for the amendment. We have increased the percentage of payment from 80 percent. Since the gentleman and I have served together in this Senate, since 1980 that percentage has gone from 80 percent or 82 percent up to the current proposal by the Governor of 93 percent. The other factor that changes every year, and has changed every year for I do not know how long now, is the amount that we pay for the fee, and that has gone up. When the gentleman and I first started serving together, that figure was probably \$700 or \$800 less per student. It is proposed to being \$2,230. The only thing that has not changed is the poverty payments over all that period of time. So in fairness, if you are talking about fair, we are this year increasing the percentage that you can be paid, we are increasing the fee and we are also, for the first time, increasing what you are going to get paid for poverty students, and that affects everybody in the state. So, when we are talking about fair, I think this amendment and the Governor's proposal, if you can say anything would be fair, that has to be as fair as you could probably make it, and I would ask for a positive vote on this issue.

Senator AFFLERBACH. Mr. President, will the gentleman from York, Senator Hess, please stand for a brief interrogation?

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

Senator HESS. I will, Mr. President.

Senator AFFLERBACH. Mr. President, perhaps the gentleman can help me in understanding something that I find to be of critical importance in this bill. As I view House Bill No. 1013 as it is before us without the Lincoln amendment, I see there, as has been discussed, are going to be some changes with districts receiving money above which the Governor had projected and others losing money from what the Governor had projected. As I now read through the bill, I do not find any clause that permits a district to reopen its budgetary process in order to accommodate either an increase or a decrease. Have I missed that clause in the bill?

Senator HESS. Mr. President, that clause is not necessary in the bill.

Senator AFFLERBACH. Mr. President, could the gentleman then describe to me how a district will accommodate addressing either an increase or a decrease without such a reopener clause?

Senator HESS. Mr. President, the gentleman knows very well that school districts base their budgets based on estimates. For example, every school district, when the Governor made his announcement, had to base their estimates on \$14 million in TELLS, not \$28 million which the gentleman from Fayette, Senator Lincoln, has told this Body that the Gover-

nor now supports, so those districts will then have to readjust their estimates, Mr. President.

Senator AFFLERBACH. Mr. President, we have already established that the TELLS issue is a totally separate issue from the ESBE formula, but is it the gentleman's position, then, that the adjustments within the ESBE formula can be handled in exactly the same fashion?

Senator HESS. That is correct, Mr. President.

Senator AFFLERBACH. That leads me to a second concern, Mr. President. A number of districts throughout the Commonwealth at the time of adopting their budgets also adopted an increase in local property tax to fund that budget. It now appears that at least some of those districts, without the Lincoln amendment, will receive a windfall in state funds which they could not have anticipated, but I find no clause in this bill that would require them to reduce the taxes they have raised as a result of that windfall coming to them. Is there any provision in the bill that I have missed that would require that?

Senator HESS. Mr. President, let me assure the gentleman that no one receives a windfall no matter how we change this. May I requote what the good gentleman and my friend, the gentleman from Fayette, Senator Lincoln said: "This is going to a Committee of Conference, and there might be a lot of changes. I do not think any school board is going to be unhappy about getting more, but they are going to be unhappy about getting less. That is the way the ball game is played up here."

Senator AFFLERBACH. That concludes my interrogation, Mr. President.

I have just one comment to offer on the bill, and that is this. I think we do a disservice to the districts which have been required to place in effect their budgets by June 30th by now, without the Lincoln amendment, should we not adopt it, telling specifically those districts which will lose funds from their projections that they need to go back to the drawing board. In some cases that may well mean considering a tax increase at the local level which they have been able to avoid. For that reason I would suggest that we support the Lincoln amendment and in that way support all of the districts who have budgeted in good faith based upon the Governor's projections.

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Salvatore and Senator Bell have been called from the floor and I request temporary Capitol leaves on their behalf.

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

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

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

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

Senator HESS. Mr. President, I hope in the interrogation the gentleman from Lehigh is relaxed now about the changes that might come about when the gentleman from Fayette, Senator Lincoln, and I, or whoever it is, sit down and we make these changes. No matter what changes we make, there will be ups and downs for every particular school district. Senator Lincoln and I may disagree on how the formula should be in the outcome, but I think I have explained my position and he has explained his. He has rebutted parts of mine. He did make one statement I do not think any of us should let slide. If you just said the cost to educate a poverty student is more, I agree. If you say that it costs approximately the same or more, inflation-wise, for 130 students or 120 students, as the gentleman said, I agree. But, if you are going to stand on this floor and try to tell this York County Dutchman that it is going to cost \$8 million more in the City of Philadelphia to educate 88,000 students than it did last year to educate 103,000 students, I do not buy it. As a Dutchman said, who do you think you are kidding? That is almost a 20,000 difference in the numbers in one year and, yet, we give them \$8 million more. I will accept those points of argument that have validity, but that just does not sell.

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

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

YEAS—23

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

NAYS—26

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

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

The PRESIDENT. House Bill No. 1013 will go over in its order, as amended.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate with the thought of reconvening at 9:15 p.m. in order that the staff and any Members who have not had the opportunity to get something to eat may have that opportunity and that we would come back at 9:15 p.m. and proceed with the remainder of the Calendar.

The PRESIDENT. For the purpose of a recess to begin immediately and with the hope of reconvening at 9:15 p.m., 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.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Shaffer has been called from the floor to his office and I request temporary Capitol leave on his behalf.

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

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 3

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2035 (Pr. No. 3637) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing water and sewer projects eligible for funding through the Pennsylvania Infrastructure Investment Authority for fiscal year 1987-1988 together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of providing funds for the itemized projects; stating the estimated useful life of the projects; 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 LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the return of Senator Salvatore and his leave will be cancelled.

And the question recurring,
Shall the bill pass finally?

Senator FUMO. Mr. President, I would just ask my caucus to vote in the affirmative.

LEGISLATIVE LEAVE

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

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leave for Senator Moore. The Chair hears no objection. That leave 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—49

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 4

THIRD CONSIDERATION CALENDAR

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

HB 1013 (Pr. No. 3644) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for minimum salaries for certain teachers and for reimbursements by the Commonwealth; increasing the amount of the Commonwealth's share of community college costs; prohibiting closing of locations for delivery of certain programs and the discontinuation of certain services; and changing the formula for the distribution of the basic education subsidy.

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

Senator LINCOLN. Mr. President, earlier this evening I offered a series of amendments. One of those amendments was accepted. I would only say to you that was a step in the right direction, but to make House Bill No. 1013 something that I feel the Members of the Democratic caucus could vote for in good conscience, it would have necessitated the other two amendments passing, particularly the amendment dealing with the subsidy changes. I am not going to speak on this issue at any great length because I think we very adequately covered the subject on the amendment. But, one of the things I would like to point out is, near the end of the debate on the amendment I offered earlier, the gentleman from York, Senator Hess, took the floor. I will not try to quote him, but I will try to give you, somewhat, his remarks in that he stated he could not understand how Philadelphia would go from 103,000 AFDC students to 88,000 and it would take \$8 million more to fund that part of the educational process in Philadelphia. The real facts of what has taken place are this: For some reason—and I say for some reason with no tongue in cheek, I am being very sincere when I tell you that for some reason which is at this point in time not explainable by anyone in the education process—there were a great number of students under the AFDC section of the ESBE formula lost. Philadelphia lost 15,000, but if you take a district with 500 students and look at their loss of AFDC students, it was proportionate to the Philadelphia loss. In fact, the \$8 million increase the Philadelphia School District will be receiving—or would have been receiving under my amendment which was the Governor's original proposal—would only have kept Philadelphia at the same level of funding they had last year. In fact, it would truthfully be a little less. In the current fiscal year, the one we just finished, the Philadelphia School District received \$51 million in the poverty section. Under the Hess amendment, which I will call it, in House Bill No. 1013, they would be cut from \$51,828,500 to \$44,124,500. My amendment would restore that number to \$51,802,163, which is about \$26,000 less than they received last year, so we are not talking about Philadelphia going from \$51,800 to \$59,800. We are talking about them actually holding their own. I cannot understand the logic behind what we are doing here tonight, because Senator Hess in his debate earlier stated that we have kept the 2 percent and the 8 percent numbers in place. The only reason we have that is because there are school districts in this Commonwealth which, for whatever reason, fail to qualify for any increases in subsidies no matter how much money we throw into that pot, so we say so that everyone is entitled to some type of an increase if we limit that to 2 percent, and there are some districts that get lots of increase, and we limit them to 8 percent. The 2 percent districts are, in effect, getting money they do not earn, and we are doing that because we know they need that money even though they have not earned it. We know they need those increases because logic tells you that every year, for whatever reason, education becomes more expensive. Yet, in the same effort we are seeing a justification

on the part of the Majority in this Body to cut Philadelphia \$8 million and it does not make sense.

Just to give you an example: Shamokin Area School District in the district of the gentleman from Northumberland, Senator Helfrick, last year got \$35,700 under the poverty section. This year under the Republican version of the subsidy changes they would have qualified for \$30,900, and my amendment would have returned that number to \$39,502, which would be a \$4,000 increase over last year and a \$9,000 increase over the Republican version. This money does not sound like a lot because you are not talking about a couple hundred thousand students, you are talking about a school district that may have 1,600 students or 1,800 students total. In the district of the gentleman from Schuylkill, Senator Rhoades, we have the Pottsville Area School District which has the same problem. They lose money under the Republican proposal because of the decrease in the number of AFDC students. It just does not make sense to take that \$8 million away from Philadelphia and distribute it under another manner by going to 96.3 percent on the payment you are allowed. I could argue and argue and argue but I do not think that would make any sense, but I would say to you that these are not good changes. There is just absolutely no way I could justify voting for something that makes losers and winners out of school districts when it should be a win/win situation. Everybody in the state ought to win. The fact is, I do not represent Philadelphia, but I can stand here and tell you what we are doing is wrong. You are not giving them anything extra. You are keeping the same funding level they had last year. When you are talking about 103,000 to 88,000 in a certain category of students, you are not talking about a normal type of situation that exists through most of the school districts in the state, and I think there is every justification for keeping that funding level at the \$51 million that it was last year. I could cite example after example after example where we have, by changes in the formula, made sure that school districts did not lose. The premise and the pretext of my argument against this is, we should not be making losers of anyone, and I would ask for a negative vote on this bill.

Senator FUMO. Mr. President, I, too, rise to oppose the bill, particularly from the standpoint of Philadelphians. Today in the Committee on Appropriations, the gentleman from Philadelphia, Senator Rocks, inserted an amendment which would cost the school district approximately \$5.9 million in 1988-89 with regard to transportation and early intervention programs. In addition, this bill, as explained by the gentleman from Fayette, Senator Lincoln, would cost the City of Philadelphia and the school district \$8 million. Adding those together, we find \$13.9 million that that one school district would suffer as a result of the passage of this bill. I know it is sometimes politically advantageous for some Members of this Chamber to say, who cares about Philadelphia, vote against Philadelphia; and Philadelphia is always the target of those nonresidents of the city so they can go back home and win campaigns for voting against "the evil empire," so to speak, "in Philadelphia."

Mr. President, the true facts of the situation are not changed. Children in Philadelphia deserve an education equal to children in other areas of this Commonwealth. Philadelphia faces special problems, and we all know that. So I find it particularly disheartening when Senator Lincoln offered his amendment to try and straighten out the Philadelphia problem, and other problems throughout the Commonwealth, that so many nonPhiladelphians did not vote for that, but I also find it understanding, given the political tenor that a lot of those Republicans have when they run against the City of Philadelphia back home. Mr. President, I was particularly distressed to find that two of my colleagues from the City of Philadelphia saw fit to cost their taxpayers back home \$8 million, because with their help that would not have happened. Mr. President, I recognize that they are of a different party than I and they are of a different party than our mayor, and some of them have just recently become that political persuasion—at least somewhere along the line—and it is sometimes cute to say, well, we do not think the school district is doing a good job for our people and we are not going to help the school district, and on and on and on, but the reality of the situation is, Mr. President, the children in their districts deserve a good education and the taxpayers they represent in Philadelphia should not be treated in this fashion because it is those very taxpayers they represent who will have to make up this difference that they have voted to take away from their own districts. I have heard the debate here where some Members are willing to live with cuts in their districts of \$48,000 and \$50,000 and \$90,000. They are willing to do that for political advantage, but I cannot understand how anyone would be willing to go back home and tell the people he represents that he voted to take away \$8 million from his people. That to me is unconscionable. That to me is something those people should very carefully look at because that is not why they were sent here. They were sent here to represent their people and to help their people, not to chastise their own constituents because they may have a political difference with the political party that controls the mayor's office. If you want to fight that fight, you fight it on election day, and they did do that once and they lost, but you do not fight it today by taking away money from the mouths of your own constituents. That is not why you were sent to this Chamber. Those Philadelphians who cannot stand beside their city in her hour of need should remember that their colleagues have never been there before to help them. While they may sell out to them now for political advantage, they still have an obligation to come home. They are going to leave Dauphin County and come back to Philadelphia County, and they have a sworn responsibility to help the people they represent. I would hope at least those two Republicans would own up to their responsibility and vote "no" on this bill, Mr. President, because it has to be one of the dumbest things I have ever seen for anybody to come to this Chamber and vote to take \$8 million away from their school districts. I have never seen it before. I hope to God I will never see it again.

Senator SALVATORE. Mr. President, I am surprised at my colleague from Philadelphia saying I do not represent my district. I do represent my district, and I am concerned about my constituents because they are the people who sent me up here. When they want to play games and they want to play political football with our schoolchildren, when they want to attack the early childhood development programs and take them away from us, take away the day care centers in the northeast and nonpublic school transportation, that is a great administrator we have in Philadelphia, Connie Clayton. That is what she wants to do to me. Then I have to come up here and say I have to vote for those particular monies when we have 15,000 less students in that program, in the AFDC programs, but we are saying to everybody else, give us the same amount of money even though we have 15,000 less kids in that program. I am saying who got hurt? I got hurt. My constituents got hurt.

We have worked hard to help provide the parents of nonpublic school students to get a ride to school. Their parents already pay school tuition and taxes to the public school system. They are already supporting two school systems, and now Connie Clayton wants to take that ride away from them. The early childhood development program is one of the most compassionate things we can do to help the truly needy, the kids who really need it. Without help they could only withdraw. What sort of a person will withdraw aid to retarded children as a first measure? The administrator of the Philadelphia School System, the Superintendent, wants to do that. As to the day care programs, of the seventeen day care programs in Philadelphia, six are to close down, four in my district. The state provides \$17 to the school boards for that and the city pays \$13 per child. This program provides quality care for children of working parents who are struggling to be productive citizens and members of society. Why were her first cuts aimed at those with the greatest needs? The so-called great administrator has a cold, cold heart. If Connie Clayton wants to play political hardball, all I can say is welcome to the big leagues. I am tired of her constant attacks on the people of the northeast. If she cannot control her dislike for my constituents, then I have to stop her any way I can.

Yes, I was part of that amendment drafted by the gentleman from Philadelphia, Senator Rocks. I am happy to say I joined with him in having that amendment drafted. The people of northeast Philadelphia who I represent deserve better treatment, and I am saying to her and to the people who work for her that I want those programs restored. Our people who go to work and put their children in day care centers could easily stay home and collect their welfare checks and it would cost the taxpayers more money, but, no, they choose to go to work and they put their kid in a day care program. There are enough problems running that kid to the day care program every day, going to work and then picking him up, but, no, she wants to cut out the program so those people will not be able to go to work. I am saying to my colleagues on the other side of the aisle that when they restore those programs I need, then I will be a little more compassionate to her needs.

Senator FUMO. Mr. President, will the gentleman from Philadelphia, Senator Salvatore, stand for interrogation?

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

Senator SALVATORE. I will, Mr. President.

Senator FUMO. Mr. President, will the gentleman explain to me how taking \$8 million out of the Philadelphia School Board operating budget is going to assist him in returning these programs to his constituents?

Senator SALVATORE. Mr. President, it does not take \$8 million out of the program.

Senator FUMO. Mr. President, is the gentleman aware of the fact that the ESBE formula contained in this bill shorts Philadelphia by \$8 million over what it is entitled to get and what it should have gotten under the Governor's plan?

Senator SALVATORE. Mr. President, it does not short them. We have 15,000 less students in the program.

Senator FUMO. Mr. President, is the gentleman aware of the fact there was inflation in the United States this year?

Senator SALVATORE. Mr. President, there is inflation all over.

Senator FUMO. Mr. President, is the gentleman aware that the numbers that would be cranked out through this formula for fiscal 1988-89 are actually less than the Philadelphia School District got in fiscal 1987-88?

Senator SALVATORE. Mr. President, they should get less. They have less students.

Senator FUMO. Mr. President, does the gentleman recognize when he votes for this that other school districts with less students are going to get more money?

Senator SALVATORE. Mr. President, I can only worry about my students in my area. They are getting cheated and they are not getting bused, and we are not getting the day care centers and we are not getting early intervention programs. That is what I am concerned about.

Senator FUMO. Mr. President, is the gentleman's logic, then, that even though almost every other school district in the state except those that are harmed by the lack of poverty provisions in this formula, even though those other districts are going to get increased funds to help them fight inflation, in the City of Philadelphia he does not want that money to fight inflation?

Senator SALVATORE. Mr. President, I want the money for these programs first.

Senator FUMO. Again I repeat my question, Mr. President. How will the gentleman taking away \$8 million from the Governor's formula for the School District of Philadelphia assist him in getting money to fund these programs?

Senator SALVATORE. Mr. President, I said earlier that we have 15,000 less students. We are not entitled to the money. We got all the money we deserved. There was no shortfall of \$8 million.

Senator FUMO. Mr. President, is the gentleman aware there are not 15,000 less students, it is just that they are categorized differently?

Senator SALVATORE. Mr. President, with the AFDC students, where there were 103,000 the year before, there are 88,000 this year. There are 15,000 less under the program.

Senator FUMO. Mr. President, does the gentleman think those students evaporated into thin air or does he now understand they are enrolled in the rest of the system?

Senator SALVATORE. Mr. President, there are fewer kids in the school system, and you know that and I know that, and we got money for the TELLS program, too, in our school system. Did we not?

Senator FUMO. Mr. President, I am not speaking on behalf of the Governor, I am speaking on the gentleman's own personal answers.

Senator SALVATORE. Mr. President, I am just answering the gentleman with a question. We got money for the TELLS program, too. Did we not?

Senator FUMO. Mr. President, I guess if he is asking me on my interrogation, I will answer him yes, we did get money. We did not get as much as we wanted, but we did get money.

Senator SALVATORE. Mr. President, but we did not use that. We had our own program, and after they programed the kids for two months, none of the kids could pass the test anyway.

The PRESIDENT. The Chair would remind both debaters to address their comments to the Chair.

Senator FUMO. Mr. President, is the gentleman then telling me if these programs were restored, he would then join with me in trying to get this \$8 million for the City of Philadelphia School District?

Senator SALVATORE. I might, Mr. President.

Senator FUMO. Mr. President, so that is not really a question that we lost 15,000 students out of the AFDC program, but it is a question of personal pride, that four areas in his district were closed, and that is why he wants to penalize the system for \$8 million?

Senator SALVATORE. Mr. President, that is not personal pride. I am representing the people of my district. He mentioned the figure of five million point something dollars. That is \$5 million of the \$8 million and the \$2 million for the early intervention programs, that is \$7 million, so we come back to the \$8 million.

Senator FUMO. Is the gentleman saying to me then, Mr. President, that if the School Superintendent, Miss Clayton, were to restore the programs that his amendment asks for, he would then come back to this Legislature and fight for the \$8 million that is being cut?

Senator SALVATORE. Mr. President, I think that would be a good beginning.

Senator FUMO. I thank the gentleman.

What he is talking about basically is political blackmail. I do not think the children of Philadelphia and the children in his district—

POINT OF ORDER

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

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I believe the remarks of the gentleman from Philadelphia, Senator Fumo, are questioning the integrity and motive of a Member.

The PRESIDENT. The Chair would advise the speaker that he should limit his remarks to the substance of the issue and refrain from questioning the motives of an individual.

Senator FUMO. Mr. President, I did not want to impugn the integrity of the gentleman. I was more concerned with his lack of logic than his integrity.

Mr. President, the problem is what the Senator is saying, that if he gets his way he is willing to come back and help the City of Philadelphia School District get its \$8 million that it rightfully deserves, and if he does not get his way he will penalize the School District of Philadelphia \$8 million. What he fails to recognize when he says to Miss Clayton that if you want to play hard ball, "welcome to the big leagues," is that it is not Connie Clayton who will suffer by this. Miss Clayton will still have her office. She will still have her salary. She will still have amenities. She will still have her staff. The people who will suffer by this will be the taxpayers in Senator Salvatore's district who are ultimately going to have to increase the real estate taxes to pay for the \$8 million that he says they do not deserve from the Commonwealth of Pennsylvania when other school districts do, in fact, deserve that. That, Mr. President, to me is really being a little bit childish. It is saying if I cannot have my way, I am going to hurt everybody around me, including my own constituents, because my political ego is more important than what is right and what is wrong. Mr. President, I have to honestly say that kind of logic has no place in this Chamber, and I will remind the gentleman again that he was elected to come here by his constituents and he is their representative here. He was sent here to help them, his people, not to chastise someone else at the expense of his people. That is what he fails to recognize, and I would hope he would understand after this debate.

As to Miss Clayton's motives, Mr. President, I have to honestly say that there has not been a school superintendent in the City of Philadelphia who has received as much praise or acclaim locally and nationally as has Dr. Clayton. The gentleman may not like her because she was appointed by a school board which indirectly was appointed by a Democratic mayor. I think what the gentleman would prefer would be for a Republican to take over the city and Republican patronage hacks in the school board and a Republican patronage hack in charge of the school district as the superintendent, so they could do whatever the gentleman wants for his area and to heck with the rest of the school system. What he is saying now is, I am willing to penalize those people I represent to the tune of \$8 million until I get my political way. That, Mr. President, is not statesmanship, but that is crass politics. I would hope the gentleman, whom I respect deeply, would change his position and come and see the light that the only people he would hurt by voting for this bill are his constituents, those hardworking people in the northeast who look to the school system for education and those same hardworking people he talks about who send their children to Catholic schools who need

the assistance of the school district. They are the people he is hurting, because they are the ones who will ultimately have to pay the bill when he says the Commonwealth of Pennsylvania should not send the \$8 million to their school district. That is what he is saying. I want it to be clear. I want him to understand so he can mend his ways and come home to represent the City of Brotherly Love rather than the Republican Party.

Senator SALVATORE. Mr. President, it is not my childhood ego and it is not the City of Brotherly Love that sent me here or that bothers me or the remarks that my colleague from Philadelphia has just made concerning my welfare and my well-being. I am paid to represent the people of my district, and they are the ones who are being shortchanged in this whole matter. If we do not bus kids, that is money the city does not receive. That is \$17 per child they do not get if they do not bus the kids, so she does not lose any money there because you do not bus the kids. In the meantime, our children are going to be inconvenienced, their parents are going to be inconvenienced and they do not get bused.

I am concerned about my constituents. They are who vote for me. They are who sent me here. I was elected by them to represent them. The phone calls our district offices have been getting are from those people concerned about the programs they saw fit to cut. Why were not four day care centers cut out in south Philadelphia or west Philadelphia or some other area? Why were they picked out of the northeast? Because it was politics. They can play politics, but I cannot. I cannot defend my constituents, but they can play political games all day long. As to busing, the kids in south Philadelphia can walk to a school. The kids in my area, because it is more like a suburban area, have to be bused. They cannot afford to walk to school, because they will get killed if they walk to school with the traffic that is up there. They have to be penalized. We talk about the early intervention programs, much-needed programs, but they are going to cut them out, and I am supposed to say I am concerned about my ego. I am concerned about the City of Brotherly Love. I am concerned about the constituents who sent me here. That is what I am concerned about, and that is why I am going to continue to be concerned about them as long as I am elected from that district.

Senator LOEPER. Mr. President, I could not let the opportunity go by to comment on some of the remarks from the gentleman from Philadelphia, Senator Fumo. It certainly indicates that many of the comments he made talking about people who are hurting that this \$8 million is going to go a long way to help these people who are hurting. It is very ironic that we sit here tonight and talk about those kinds of dollars and programs, when just one week ago his Governor in a very callous manner slashed \$300 million worth of programs and services to the people of Pennsylvania. It is the people of Pennsylvania who are hurting from Bob Casey's blue pen. It is not the schoolchildren necessarily just in the City of Philadelphia. I think when we take a look at the program cuts that have gone in deeply to affect our constituents across this state, it is a travesty to sit here on this floor and listen from the other side of the aisle to hear about an \$8 million problem in the Philadelphia School District.

Mr. President, it seems to me that once again, like the signs of the pickets I saw outside the state office building, that Governor Casey says take it or leave it, I see the gentleman from Philadelphia telling us the same thing: Take it or leave it.

Senator LINCOLN. Mr. President, I really, really have a hard time following that argument on this issue because this is not just Philadelphia losing \$8 million. There is another \$12 million that is being lost under the one item under the subsidy formula throughout the rest of Pennsylvania. Three hundred and seven thousand dollars in my Senate district and primarily in Fayette County is being lost.

I can tell you I had no opponent in 1986 and I think I must be doing a pretty good job, but I do not have the bravado the gentleman from Philadelphia, Senator Salvatore has, that I can stand on this floor and risk the chance of the newspapers in my district carrying in banner headlines, "Lincoln says, 'do not deserve the \$307,000.'" That is ludicrous. That is almost unconstitutional under the oath we take that we would come down here to represent the people we are elected by. Senator Salvatore's logic is so bad that even if I were not going to vote against this bill, after listening to his argument I would. How he can justify loss of services because of budgetary problems within the city school district in Philadelphia and combine that with an additional \$8 million loss and say he is sending a message, the message when it is received is going to be, cut more services. You cannot get blood out of a turnip. If you want the money to run the school district and put those services back in place, you have to put it in there by your actions.

As far as the argument of the gentleman from Delaware, Senator Loeper, about Governor Casey being the villain, we have in this Body a bill that was passed by the House of Representatives that restores every one of those budget cuts, only a little differently. It distributes that money in the program areas where the Governor asked for them in which he has proven in eighteen months if you give him the money, he does a good job with it in the areas of economic development and the environment and PENNVEST. We passed a capital budget today for PENNVEST, yet the Senate Republicans passed a budget that was signed into law that had \$12 million or \$13 million less than what was needed to operate that program. Do not mix those kinds of apples and oranges. We are talking about something completely different than all the other issues we are dealing with on this budget.

We are talking about the gentlemen from Philadelphia, Senator Rocks and Senator Salvatore, representing a city with five other Senators that is losing \$8 million. Look at the numbers. From \$51 million down to \$43 million. That is a loss. By keeping the Governor's figures or the amendment I offered, it stays the same. It does not increase. The loss of AFDC students is not just something that Philadelphia can say happened to them. It happened all throughout the state. By this time next year when we deal with the budget, we will probably understand why that happened and maybe make some other adjustments. We are talking about \$20 million out of \$2.497 billion, and we have taken that money out of the district of the gentleman from Schuylkill, Senator Rhoades;

out of the district of the gentleman from Delaware, Senator Bell; out of the district of the gentleman from Northumberland, Senator Helfrick; out of the district of the gentleman from Lebanon, Senator Brightbill; out of the district of the gentleman from Fayette, Senator Lincoln; and we have distributed it to some people who can go home and say, hey, I have a plus in my district. Although some of my districts had losses, I have a plus.

It is hard to put things in perspective in Pennsylvania. When I have a school district like Salisbury where they will graduate forty-six kids, and then you talk about a loss of 15,000 in one category in Philadelphia, it is mind boggling. Just those numbers alone ought to prove to you there is a problem in Philadelphia that does not exist any place else, irrespective of who is the mayor, who is the head of the school district or who are the seven Senators. It is a different ball game and we have to treat it differently, and the poverty section of the School Code under the ESBE formula is one of the ways we do that. So, you can excuse it, you can say you are mad at Miss Clayton, you can say you are mad at the gentleman from Philadelphia, Senator Fumo, you can say you are mad at God, you can say you are mad at whoever you want, but the bottom line is when Senator Salvatore goes home tomorrow or tonight, whatever his choice is, he is going back to Philadelphia when his vote meant that his school district lost \$8 million. Black and white. No other thing you can say about it. I am saying if he wants to vote that way, fine, but I am saying I am not going to vote that way because I lose money too and it is not fair in the way that money is distributed. Hopefully, we will have another opportunity, which God knows we do. We will be back here again probably next week or the next week, or whatever, but I do not care when we come back and change it. Anybody on that side of the aisle who votes for this bill tonight who goes home and has to tell two, three or four of their small districts they lost money, or in the case of Senator Rocks and Senator Salvatore, they can tell their media in Philadelphia you did not deserve that \$8 million because you are cutting other things. That is ludicrous. That is absolutely ridiculous to make that type of argument. How can you make something good that you think is bad by doing something else bad with it? That is foolish. That is absolutely foolish. Just vote "no" and let us go home.

Senator RHOADES. Mr. President, I admit I must agree with the gentleman from Fayette, Senator Lincoln. This is not a matter of Philadelphia losing \$8 million. I think if we look under the perspective of fairness, maybe we should add to that the economic supplement on behalf of the tax effort. When we measure the median equalized mills where Philadelphia receives 19 percent of its actual instructional expenses, which every other school district in the Commonwealth must meet to receive, Philadelphia is exonerated, and they have approximately \$140 million in their budget. If that were fair and put out to everyone, I would not have to go back to my districts and say this and that, I could give them that much more. I would ask the conferees on this Committee of Conference to make sure I get my fair share too.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Scanlon, Senator Bell and Senator Moore. Their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Corman 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 Corman. The Chair hears no objection. The leave 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—26

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

NAYS—23

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

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

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

SPECIAL ORDER OF BUSINESS

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator FISHER, by unanimous consent, submitted the Report of Committee of Conference on **SB 528**, which was placed on the Calendar.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 5

REPORT OF COMMITTEE OF CONFERENCE REPORT ADOPTED

SB 528 (Pr. No. 2303) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for planning for the processing and disposal of municipal waste; requiring counties to submit plans for municipal waste management systems within their boundaries; autho-

ricing grants to counties and municipalities for planning, resource recovery and recycling; imposing and collecting fees; establishing certain rights for host municipalities; requiring municipalities to implement recycling programs; requiring Commonwealth agencies to procure recycled materials; imposing duties; granting powers to counties and municipalities; authorizing the Environmental Quality Board to adopt regulations; authorizing the Department of Environmental Resources to implement this act; providing remedies; prescribing penalties; establishing a fund; and making repeals.

Senator LOEPER. Mr. President, I move the Senate adopt the Report of Committee of Conference on Senate Bill No. 528.

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

Senator REIBMAN. Mr. President, a member of my family is interested in a project which would be the subject of Senate Bill No. 528. I have no interest financially or otherwise in the project and neither do other members of my family. Am I under a conflict of interest in voting?

The PRESIDENT. The Chair would rule that the gentle lady is not affected by any conflict of interest inasmuch as the benefit is not direct and it represents benefits and emoluments to a class rather than to a specific individual. Under those circumstances, the gentle lady would be encouraged and required to vote.

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

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

YEAS—48

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

NAYS—1

Brightbill

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1256 (Pr. No. 2191) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring institutions of higher education to file certain annual certifications with the Department of Education.

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

BILL RECOMMENDED

HB 1278 (Pr. No. 3602) — The Senate proceeded to consideration of the bill, entitled:

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

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

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1304 (Pr. No. 1840) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for automatic retirement of judges and district justices.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Hess	Mellow	Scanlon
Andrezeski	Holl	Moore	Shaffer
Armstrong	Hopper	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Peterson	Stauffer
Brightbill	Kelley	Regoli	Stewart
Corman	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Greenwood	Lynch	Ross	Wilt
Hankins	Madigan	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 1376 (Pr. No. 2291) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," further providing for support of emergency medical services; and requiring bypass protocols.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

Afflerbach	Hess	Mellow	Scanlon
Andrezeski	Holl	Moore	Shaffer
Armstrong	Hopper	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Peterson	Stauffer
Brightbill	Kelley	Regoli	Stewart
Corman	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Greenwood	Lynch	Ross	Wilt
Hankins	Madigan	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 1394 (Pr. No. 1993) — The Senate proceeded to consideration of the bill, 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.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—49

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

BILLS OVER IN ORDER

SB 1511 and HB 1993 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2211 (Pr. No. 2921) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," authorizing certain municipalities to reduce their police and fire-fighting forces for economic reasons; and making repeals.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—49

Afflerbach	Hess	Mellow	Scanlon
Andrezeski	Holl	Moore	Shaffer
Armstrong	Hopper	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Peterson	Stauffer
Brightbill	Kelley	Regoli	Stewart
Corman	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Greenwood	Lynch	Ross	Wilt
Hankins	Madigan	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 without amendments.

RECONSIDERATION OF HB 2415

PREFERRED APPROPRIATION BILL RECOMMITTED

HB 2415 (Pr. No. 3214) — Senator LOEPER. Mr. President, I move to reconsider the vote by which House Bill No. 2415, Printer's No. 3214, went over in its order on third consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I move that House Bill No. 2415, Printer's No. 3214, be recommitted to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. House Bill No. 2415 will be recommitted to the Committee on Appropriations.

BILL OVER IN ORDER

HB 2307 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1525 (Pr. No. 2285) — 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," providing for reporting in certain cases of abuse of controlled substances; and making an appropriation.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION

HB 19 (Pr. No. 2348) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of the Children's Trust Fund, for a governing board, and for the powers and duties of the board; and prescribing the powers and duties of certain State agencies.

Considered the second time and agreed to,

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

SB 536 (Pr. No. 2210) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for the appointment of independent auditors in lieu of elected auditors.

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

BILLS OVER IN ORDER

SB 943 and 959 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 1150 (Pr. No. 1298) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," providing for the immediate vesting of certain disabled police officers in pension systems.

Considered the second time and agreed to,

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

HB 1151 (Pr. No. 3330) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," permitting interests in police pensions funds to vest after 12 years under certain conditions; providing for the amount of the retirement allowance benefit vested; and adding a definition.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1433 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 2130 (Pr. No. 2765) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1957 (P. L. 901, No. 399), known as the "Optional Third Class City Charter Law," increasing fines for ordinance violations.

Considered the second time and agreed to,

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

HB 2473 (Pr. No. 3633) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), known as the "Emergency Medical Services Act," further providing for support of emergency medical services; requiring bypass protocols and extending certain provisions of the act; and excluding volunteer fire and ambulance departments from certain provisions of the act.

Considered the second time and agreed to,

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

UNFINISHED BUSINESS REPORT FROM COMMITTEE

Senator MADIGAN, from the Committee on Labor and Industry, reported the following bill:

HB 1011 (Pr. No. 3642) (Amended)

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties," extending the provisions of the act to include fire police and volunteer members of ambulance services and rescue squads; and prohibiting certain other firings and penalties.

SENATE RESOLUTION

Senator ROCKS. Mr. President, I offer the following resolution and ask unanimous consent for its immediate consideration.

The PRESIDENT. Senator Rocks asks unanimous consent to offer a resolution and asks for its immediate consideration.

Senator KELLEY. Mr. President, I reserve the right to object.

Senator LINCOLN. Mr. President, I have no idea what this resolution does, and I would like to have one second to have somebody tell me.

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator LINCOLN. Mr. President, I have no problem with the resolution.

MEMORIALIZING CONGRESS TO APPROPRIATE FUNDS FOR THE LOW INCOME HOME ENERGY ASSISTANCE BLOCK GRANT FOR THE FISCAL YEAR 1989 AT A LEVEL OF \$1,567,000,000

Senators ROCK, SALVATORE, BELL, JONES and LYNCH offered the following resolution (Senate Resolution No. 202), which was read, considered and adopted:

In the Senate, July 6, 1988.

A RESOLUTION

Memorializing Congress to appropriate funds for the Low Income Home Energy Assistance Block Grant for the fiscal year 1989 at a level of \$1,567,000,000.

WHEREAS, A United States Senate Appropriations subcommittee has proposed a level of funding at \$1,087,000,000, which is \$380,000,000, or 24% less than the level approved by the United State House of Representatives and 22.5% less than the 1988 funding level; and

WHEREAS, This reduction would mean a \$23,000,000 loss of Low Income Home Energy Assistance Program (LIHEAP) funds for the Commonwealth of Pennsylvania; and

WHEREAS, Low income citizens pay, on the average, 15% of their income for energy, contrasted with 5% paid by the average American family; and

WHEREAS, Any further reduction in LIHEAP funding will create undue hardship for those it is designed to assist by reducing the level of benefits or by reducing eligibility requirements for Pennsylvania households from the present 150% of poverty to a level closer to 110%; and

WHEREAS, The oil overcharge moneys presently being used to supplement Federal LIHEAP dollars in Pennsylvania are insufficient to meet the continuing needs of the program; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to appropriate funds for the Low Income Energy Assistance Block Grant for the fiscal year 1989 at a level of not less than \$1,567,000,000; and be it further

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Paul S. Hiestand, Mr. and Mrs. Howard Labezius, Mr. and Mrs. George H. Schoenberger, Mr. and Mrs. Chester R. Schwalm, Mr. and Mrs. Paul E. Whitman and to Mr. and Mrs. Edward M. Wissler by Senator Armstrong.

Congratulations of the Senate were extended to Greg Vozar by Senator Fisher.

Congratulations of the Senate were extended to the Pennsylvania Public Television Network Commission by Senator Fisher and others.

Congratulations of the Senate were extended to Caroline Suzette Park and to Jeffrey Rosenberg by Senator Greenleaf.

Congratulations of the Senate were extended to Jesse Whitaker Snyder and to Lura Sollenberger by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Clair L. Peterson by Senator Peterson.

Congratulations of the Senate were extended to the Easton Emergency Squad by Senator Reibman.

Congratulations of the Senate were extended to Joseph E. Davis by Senator Rocks.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Panek by Senator Ross.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Briggs, Mr. and Mrs. Stephen Casper, Mr. and Mrs. Truman H. Holland, Mr. and Mrs. George McClure, Mr. and Mrs. Glenn G. Seibert and to Mr. and Mrs. George J. Warco by Senator Stout.

BILLS ON FIRST CONSIDERATION

Senator KELLEY. 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 960, 1534, 1543, HB 1011 and 2279.

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

PETITIONS AND REMONSTRANCES

Senator LINCOLN. Mr. President, the hour is late and I do not really care to prolong everybody's agony any longer, but we had something take place just a few minutes ago that I think is a positive, in my mind, and may well have been one of the few positives that took place the whole evening. We had the occasion to vote on Senate Bill No. 528, and I think to leave here this evening without me expressing my gratitude to Senator Mike Fisher and to Senator Ray Musto and staffs for not just this year—this year is the culmination of a lot of effort—but this has actually been four years with a lot of different players. We had a Governor come in who placed a high priority on this issue. Senator Fisher, not being of the same party as the Governor, picked up that gauntlet and carried that banner very well for the last eighteen months. It is not an easy issue. It is one that most of us are going back to our districts and seeing the problems of not facing this issue ten or fifteen years ago. We have a shortage of space to put our waste. We have a problem in that all of us are makers of that particular waste, and I think it is a tribute to the two men involved in this and their staffs that they were able to come up with something that I think ten or fifteen years from now will be even more appreciated by the people of Pennsylvania. I just could not leave this evening without making this part of the record. I thank Senator Fisher and Senator Musto for their sacrifices, the long hours, their ability to compromise with one another, and I look forward to that bill being signed into law and being something that the people of Pennsylvania can benefit from for many years.

Senator LOEPER. Mr. President, very briefly, I would also like to add my sincere thanks and the thanks of the Members of this side of the aisle to the Chairman of our Committee on Environmental Resources and Energy, the gentleman from Allegheny, Senator Fisher, who I think has really taken the lead on two of the most difficult issues that have faced not only this General Assembly but the Commonwealth, and in conjunction with the gentleman from Luzerne, Senator Musto, to assemble the various groups that had concerns about this issue and to be able to effect a compromise in both cases, I believe is a monumental task and a monumental step forward, not only a tribute to Senator Fisher and Senator Musto, but a tribute to the people of Pennsylvania, and I extend my personal thanks to both the gentlemen.

COMMUNICATION FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 1439.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 389, 1387, 1432 and 1727.**

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 265 and 442.**

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

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:

July 6, 1988

Senators REGOLI, REIBMAN, O'PAKE, HELFRICK, MELLOW, MUSTO, LINCOLN, SHUMAKER, CORMAN, HESS, LYNCH, PECORA, LEWIS, MOORE, BODACK, SALVATORE and ANDREZESKI presented to the Chair **SB 1546**, entitled:

An Act providing for a higher education tuition assistance program for children of firefighters, law enforcement officers and members of the ambulance services and rescue squads killed in the performance of their duties.

Which was committed to the Committee on EDUCATION, July 6, 1988.

Senators SHUMAKER, PECORA, KELLEY, FISHER, SALVATORE and AFFLERBACH presented to the Chair **SB 1547**, entitled:

An Act requiring the filing of municipal ordinances in certain municipal offices or in the county law library or courthouse.

Which was committed to the Committee on LOCAL GOVERNMENT, July 6, 1988.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

SB 794, 831, HB 389, 1387, 1432, 1727, 2411 and 2413.

RECESS

Senator LOEPER. Mr. President, I would move that the Senate do now recess to the call of the President pro tempore.

On the question,

Will the Senate agree to the motion?

Senator LINCOLN. Mr. President, I had anticipated that motion from the Majority, and I would only like to say that

the Minority Party here in the Senate does not agree with the process in which we are leaving here this evening. We have already had a vote on it. There is no sense in doing that and going through the objections because I do not even think it is a motion. Truthfully, I do not even know how we would bring about a vote on it, but I think the easy way out is to leave here to the call of the President pro tempore. The hard way would be to adjourn to a certain time and a certain date, and I think that would maybe be unfair to both parties here in the Senate in that it would place a great deal of pressure on us to have something done maybe by the time we would be back here on Monday or Tuesday, or whatever we would have the date certain. I do want to note on the record that we object to this. We, unfortunately, did not have enough votes earlier today to correct this situation or to make it in a more positive manner in our thoughts, and I would only like to leave here saying that the potential of not having any Senate action for days or weeks or even months exists because of this action. I strongly object to it and I refuse to be part of it. I do want it to be part of the record that speaking for the Democratic caucus here in the Senate, we object very strongly to the manner in which we are leaving here this week.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. The Senate will stand in recess to the call of the President pro tempore.

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

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

ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Tuesday, July 12, 1988, at 3:17 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.