

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 4, 1986

SESSION OF 1986 170TH OF THE GENERAL ASSEMBLY

No. 8

### SENATE

TUESDAY, February 4, 1986.

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

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

### PRAYER

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

O God, we pause to thank Thee for our forefathers who have laid the firm foundations of good government and have given unto us such a precious heritage.

We thank Thee for the intelligence entrusted to us and pray that Thou would give us this moment the courage to look critically at our minds. Keep us from merely conforming to this world and help us to be transformed by the renewing of our minds, that we may prove what is the good and acceptable and perfect will of God. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 3, 1986.

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

### GENERAL COMMUNICATION

#### ANNUAL REPORT OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

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

COMMONWEALTH OF PENNSYLVANIA  
MUNICIPAL POLICE OFFICERS'  
EDUCATION & TRAINING COMMISSION  
P. O. Box 480  
Hershey, Pennsylvania 17033

January 28, 1986

The Honorable Robert C. Jubelirer,  
President Pro Tempore  
Commonwealth of Pennsylvania Senate  
Harrisburg, PA 17120

Dear Senator Jubelirer:

Pursuant to 53 P.S. § 740 et seq, please find enclosed the Annual Report for the Municipal Police Officers' Education and Training Commission covering the 1983-1984 fiscal period. The report provides an overview of accomplishment, financial information and a synopsis of regular business meetings.

Please direct any questions, concerning the report, to my office.

Sincerely,

JAY COCHRAN, JR.  
Chairman

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

### BILL SIGNED

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

**SB 693.**

### LEAVE OF ABSENCE

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

### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would request a temporary legislative leave on behalf of Senator Kratzer.

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

### CALENDAR

#### HB 1181 CALLED UP OUT OF ORDER

**HB 1181 (Pr. No. 1393)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1181 (Pr. No. 1393)** — The Senate proceeded to consideration of the bill, entitled:

An Act naming a bridge in the Borough of Hollidaysburg, Blair County, the Milton S. Emeigh Bridge.

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**

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

**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.

**COMMITTEE DEPARTS TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE**

The PRESIDENT pro tempore. For the information of the Members, the President pro tempore of the Senate has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: the gentleman from Montgomery County, Senator Tilghman, Chairman; the gentleman from Luzerne County, Senator Lemmond; and the gentleman from Philadelphia County, Senator Fumo.

The committee will leave immediately to discharge its duties.

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

**HOUSE NOTIFIES SENATE IT IS READY TO CONVENE IN JOINT SESSION**

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present a committee on behalf of the House of Representatives.

The PRESIDENT. Will you bring the committee forward, please.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the chairman of the escort committee from the House, Representative Thomas J. Murphy, Jr.

The PRESIDENT. Welcome, Mr. Chairman.

Mr. MURPHY. Mr. President, we are a committee of the House appointed to inform the Senate that the House is ready to receive the Members of the Senate in Joint Session and to escort the Members of the Senate to the Hall of the House.

The PRESIDENT. The Chair thanks Chairman Murphy and the committee from the House.

**SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE**

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms and the House committee, in order that we may proceed to the Joint Session.

**RECESS**

The PRESIDENT. The Chair declares a recess of the Senate for half an hour.

**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.

**RECESS**

Senator MOORE. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin at 1:00 p.m. In the interim, we can have lunch and have committee meetings.

Senator ZEMPRELLI. Mr. President, I would request that the Democratic Members caucus at 1:30 p.m. in our caucus room.

The PRESIDENT pro tempore. Senator Moore has requested a recess of the Senate, and he has asked that the Republican Members of the Senate report to the first floor caucus room promptly at 1:00 p.m. Senator Zemprelli has asked that the Democratic Members of the Senate report to the caucus room at the rear of the Senate Chamber promptly at 1:30 p.m. For that purpose, the Senate will stand in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVE**

Senator MELLOW. Mr. President, I would request a temporary Capitol leave for Senator Lincoln.

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

**CONSIDERATION OF CALENDAR RESUMED****BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS TO SENATE AMENDMENTS****SENATE NONCONCURS IN HOUSE AMENDMENTS  
TO SENATE AMENDMENTS**

**HB 1073 (Pr. No. 2745)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration of vehicles, for the licensing of drivers, for the depositing of waste from vehicles upon highways, property and waters, for the non-exclusion of insurance benefits for insureds who are under the influence at the time of an accident and the disposition of certain fines and bail forfeitures; and further providing for speed timing devices.

Senator STAUFFER. Mr. President, I move the Senate do nonconcur in the amendments made by the House to Senate amendments to House Bill No. 1073, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

**LEGISLATIVE LEAVE**

Senator MELLOW. Mr. President, I request a Capitol leave for Senator Stout.

The PRESIDENT pro tempore. Senator Mellow has requested a Capitol leave for Senator Stout. The Chair hears no objection. The leave will be granted.

**CONSIDERATION OF CALENDAR RESUMED****BILLS ON CONCURRENCE IN  
HOUSE AMENDMENTS  
BILLS OVER IN ORDER**

**SB 964 and 1037** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 452 (Pr. No. 2832)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), entitled "The Casualty and Surety Rate Regulatory Act," further providing for ratemaking.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

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

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

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

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

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

**YEAS—45**

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

**NAYS—4**

Bodack	Jones	Reibman	Romanelli
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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 LEAVE**

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

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

**LEGISLATIVE LEAVE CANCELLED**

Senator STAUFFER. Mr. President, I would also ask that you note the return to the floor of Senator Kratzer and that his leave be cancelled.

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

**CONSIDERATION OF CALENDAR RESUMED****SB 1037 CALLED UP**

**SB 1037 (Pr. No. 1706)** — Without objection, the bill, which previously went over in its order, was called up, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator STAUFFER.

BILL LAID ON THE TABLE

**SB 1037 (Pr. No. 1706)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," continuing gender based rate classifications; and further providing for admitted assets.

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

**THIRD CONSIDERATION CALENDAR RESUMED**

BILL OVER IN ORDER TEMPORARILY

**HB 784** — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1000 (Pr. No. 2833)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," requiring a statement of purpose and explanation to be prepared, published and posted for any ballot question; further providing for the powers and duties of the county boards of elections and certain courts; and eliminating cross-filing for Statewide judicial candidates.

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—46

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

NAYS—3

Early	Jones	Reibman
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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.

BILL OVER IN ORDER

**SB 1178** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1182 (Pr. No. 1814)** — The Senate proceeded to consideration of the bill, entitled:

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

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, I am almost afraid to speak on this. Hopefully, I will be brief. This is a long awaited day for people in the City of Philadelphia, who have seen their taxes rise not as a result of inflation but as a result of urban renewal. This is the kind of legislation we think will be in the vanguard and later on other states can look to it as a model on which to base their real estate taxes for people in this situation. What this bill basically will do will allow those people's property taxes to be frozen as a result of the impact of urban renewal while they will still continue to increase because of inflation and other things. This will give the local government there the means to deal with senior citizens, blue collar workers who lived in neighborhoods which were not fashionable before but all of a sudden have become the fashionable places to live for the so-called urban upwardly mobile professionals, some of whom have moved there from the suburbs. We are very happy as we pass this bill today, Mr. President. We look for a speedy passage in the House and the ultimate signature by the Governor.

Senator KELLEY. Mr. President, Senate Bill No. 1182 represents our discharging our duties with the height of irresponsibility, in my opinion. I do not disagree with the substance and the comments made by the gentleman from Philadelphia, the primary sponsor. What is involved here is for each of us to look at the language of the Constitution that permits us to draft such legislation. It applies to both first and second class counties, and for us to legislate for one county and not the other, it is imperative under that mandate that both counties have exactly the same language. We are omitting the second class counties.

More importantly, when we go to the Constitution, it says the General Assembly may by law establish standards and qualifications. We do not do that in this bill. We are delegating it to another municipal government to set the standards and the qualifications. All we do is set forth some broad based definitions, so you see, I feel we are not doing our job as we are mandated to do.

There are a couple of weaknesses in the bill as well. It talks about and allows having a building, if it is a residency, that

may be a multiple building with three residential capacities, so you have a rental income property and that is being adjustably adapted. It allows you also to have a commercial building.

Mr. President, worst of all, it applies retroactively to November 6, 1984. If that does not offend the conscience of each one of us, I do not know what does, because that tax year is already gone. It is ir retrievable at this point. Ordinarily, under the case law about retroactive laws and taxation, as long as we are in that taxable year it is permissive, but, in this case, it has expired entirely. What are you going to be doing if you give the breaks as you go and do it during the taxable year back to September 1984? In the future the taxes are going to create a deficit retroactively as well. Is the city of the first class and the first class county going to come up and ask for more money? I am not opposed to assisting the City of Philadelphia where those people are in serious need, but I am very much in favor of us following the mandate in the Constitution saying we, the General Assembly, if we are going to do it, should establish the standards and qualifications by which the local taxing authorities in such counties may make uniform the special real estate exemptions.

On the basis, not on the merits but on the procedure and the lack of content following that mandate, I am going to vote "no," Mr. President.

Senator FUMO. Mr. President, for all the reasons set forth by my esteemed colleague from Westmoreland, I urge an affirmative vote.

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**

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

**NAYS—3**

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

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

**BILLS OVER IN ORDER**

**SB 1216 and 1223** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1253 (Pr. No. 1664)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge in Lock Haven, Clinton County, as the Veterans' Bridge.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEAS—49**

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

**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 OVER IN ORDER**

**HB 1345** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**SECOND CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

**HB 1440** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**BILLS OVER IN ORDER**

**HB 179 and 209** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**BILL ON SECOND CONSIDERATION AMENDED**

**SB 239 (Pr. No. 1785)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain vehicles to stop at railroad crossings.

The bill was considered.

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator CORMAN offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 3342), page 3, line 2, by inserting brackets before and after "Hazardous Substances Transportation Board" and inserting immediately thereafter: department

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

#### BILLS OVER IN ORDER

**HB 249, 250, 717, SB 1133 and 1159** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

#### BILL ON SECOND CONSIDERATION AMENDED AND REREFERRED

**SB 1187 (Pr. No. 1790)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, requiring community water systems to include a management and operations review as part of any application for a water facility loan; and providing for financial assistance to community water systems for the preparation of such management and operations review and for the feasibility study required as part of an application for a water facility loan.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator FISHER offered the following amendment:

Amend Title, page 1, line 4, by striking out "and"

Amend Title, page 1, line 8, by removing the period after "loan" and inserting: ; and making an appropriation.

Amend Sec. 1 (Sec. 7503), page 3, line 2, by striking out "improvement"

Amend Sec. 1 (Sec. 7503), page 3, line 8, by striking out "improvements" and inserting: projects

Amend Sec. 1 (Sec. 7503), page 3, lines 21 through 26, by striking out all of said lines

Amend Sec. 3 (Sec. 7510), page 4, lines 11 and 12, by striking out "THE GENERAL ASSEMBLY APPROPRIATES \$1,000,000" and inserting: The sum of \$1,000,000, or as much thereof as may be necessary, is hereby appropriated

Amend Sec. 5 (Sec. 7513), page 5, line 28, by inserting after "AT": the

Amend Sec. 5 (Sec. 7513), page 5, line 29, by striking out "SYSTEMS" and inserting: system

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

#### LEGISLATIVE LEAVE

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

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

And the question recurring,

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

Senator STAUFFER. Mr. President, I move that Senate Bill No. 1187, as amended, be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 1187, as amended, will be rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1277 and 1342** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 1343 (Pr. No. 1788)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Commission on Sentencing as an agency of the General Assembly; further providing for meetings and the powers and duties of the Pennsylvania Commission on Sentencing and for the adoption of sentencing guidelines; providing for audits, existing rules and present members; reestablishing the Pennsylvania Commission on Sentencing; and making a repeal.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENLEAF offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 2 (Sec. 2152), page 2, line 10, by inserting after "of" where it appears the first time: and shall be subject to the provisions of

Amend Sec. 2 (Sec. 2152), page 2, lines 11 through 16, by striking out ", and shall" in line 11, all of lines 12 through 16 and inserting a period

Amend Sec. 6, page 4, line 16, by inserting after "Each": guideline,

Amend Sec. 6, page 4, line 22, by striking out "presently confirmed"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

### HB 784 CALLED UP

**HB 784 (Pr. No. 2800)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator STAUFFER.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 784 (Pr. No. 2800)** — The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of June 25, 1982 (P. L. 633, No. 181), entitled "Regulatory Review Act," continuing the existence of the commission.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

#### STAUFFER AMENDMENT

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

Amend Title, page 1, line 14, by removing the period after "COMMISSION" and inserting: ; and further providing for agency submissions of rulemaking and for time periods for review of rulemaking.

Amend Sec. 1 (Sec. 4), page 20, line 20, by inserting after "THEREAFTER": , except as may be provided by section 3 of this amendatory act,

Amend Sec. 1 (Sec. 4), page 21, line 24, by inserting brackets before and after "60 DAYS" and inserting immediately thereafter: two weeks

Amend Sec. 1 (Sec. 11), page 34, line 6, by inserting brackets before and after "1984" and inserting immediately thereafter: 1986

Amend Sec. 2, page 36, lines 21 and 22, by striking out "UNDER SECTION 9 OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT,"

Amend Sec. 2, page 36, line 25, by striking out "EMPLOYEE" and inserting: Employees'

Amend Sec. 2, page 36, line 28, by inserting after "BEEN": State

Amend Sec. 2, page 36, line 29, by striking out "THEIR" and inserting: such

Amend Sec. 2, page 36, line 30, by striking out "ELIGIBILITY, COVERAGE," and inserting: coverage

Amend Sec. 2, page 37, line 2, by striking out "EMPLOYEES" and inserting: Employees'

Amend Sec. 2, page 37, line 3, by inserting after "OF": such

Amend Sec. 2, page 37, lines 8 and 9, by striking out "AS PROVIDED IN THIS SECTION," and inserting: within 30 days of the effective date of this act, shall be treated as if in continuous employment between December 31, 1985, and the time of such reappointment and

Amend Sec. 3, page 37, line 14, by striking out "ACT" and inserting: amendatory act and reenactment

Amend Sec. 4, page 37, lines 20 and 21, by striking out "THE FOURTH WEDNESDAY FOLLOWING"

On the question,

Will the Senate agree to the amendment?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Chester, Senator Stauffer.

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

Senator STAUFFER. I will, Mr. President.

Senator KELLEY. Mr. President, because of the magnitude of the substance of this bill, I would ask the gentleman to explain his amendment for the legislative history to be established.

Senator STAUFFER. Mr. President, the amendment actually makes three substantive changes. The first would change the title of the bill to make it be properly titled. The second is to change the effective date so the Independent Regulatory Review Commission will be able to review all regulations passed with the enactment of this legislation as opposed to sixty days after the date of the enactment of this legislation. The third is to change some dates that are obsolete which pertain to the fact that we are reenacting the establishment of the Independent Regulatory Review Commission as opposed to have it continue as was the case when the bill was originally before us.

Senator KELLEY. Mr. President, is the amendment conclusive as far as taking care of all the possible voids of proposed regulations that were published up until the time IRRC expired so that in the interim period we will not have any lapsed periods? What I am asking is, does it make any provision for those that would ordinarily have become valid regulations? Does that then put them on some hiatus until the board, if now re-created, would have a chance to review them?

Senator STAUFFER. Mr. President, we have taken care of that situation as much as we legally can. However, there is no way that we can legally deal with those regulations which were promulgated in the month of January.

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

#### LEGISLATIVE LEAVE

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

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

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?

#### SCANLON AMENDMENT

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

Amend Sec. 1 (Sec. 5), page 25, line 20, by inserting after "COMMITTEE.": Such reasons shall include, but not be limited to, deviations from the statutory authority of the agency and the intention of the General Assembly in the enactment of the statute upon which the proposed regulation was based.

Amend Sec. 1 (Sec. 5), page 26, line 18, by inserting a bracket before "(D)"

Amend Sec. 1 (Sec. 5), page 27, line 21, by striking out the brackets before and after "MAKING"

Amend Sec. 1 (Sec. 5), page 27, line 22, by striking out "RULEMAKING"

Amend Sec. 1 (Sec. 5), page 27, line 29, by inserting a bracket after "ACT."

Amend Sec. 1 (Sec. 5), page 27, by inserting between lines 29 and 30:

(d) In determining whether a proposed regulation is in the public interest, the commission shall first and foremost make a determination that the proposed regulation is not contrary to the statutory authority of the agency and intention of the General Assembly in the enactment of the statute upon which the proposed regulation is based.

(e) Upon a finding that the regulation is not contrary to the statutory authority of the agency and to the intention of the General Assembly in the enactment of the statute upon which the proposed regulation is based, the commission shall further consider the following in ascertaining whether the proposed regulation is in the public interest:

(1) Possible adverse effects on prices of goods and services, productivity or competition.

(2) Whether the regulation represents a policy decision of such substantial nature that it requires a legislative review.

(3) Direct cost to the Commonwealth, direct and indirect cost to political subdivisions and indirect cost to the private sector.

(4) Reasonableness of requirements, implementation procedure and timetable for the public and private sectors.

(5) The nature of any reports, forms or other paperwork and the estimated cost of their preparation by individuals, businesses and organizations in the private and public sector where such reports would be required.

(6) Possible conflict with or duplication of statutes or other existing regulations.

(7) The nature and estimated cost of any legal, consulting or accounting services which the private or public sector would incur.

(8) The impact on the public interest of exempting or setting lesser standards of compliance for individuals or small businesses when it is lawful, desirable and feasible to do so.

(9) Clarity and lack of ambiguity.

(10) Need for the rule or regulation.

(11) Approval or disapproval by the designated standing committee of the House of Representatives or the Senate.

(f) Regulations for which notice of proposed rulemaking is omitted pursuant to section 204 of the Commonwealth Documents Law shall be submitted to the commission and the designated standing committees for review in the same fashion as proposed regulations at the same time that the regulations are submitted to the Attorney General for review as provided in the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act." No final order adopting such regulation shall be published until completion of review pursuant to this act.

Amend Sec. 1 (Sec. 5), page 27, line 30, by inserting brackets before and after "(F)" and inserting immediately thereafter: (g)

Amend Sec. 1 (Sec. 5), page 28, line 4, by inserting brackets before and after "(G)" and inserting immediately thereafter: (h)

On the question,

Will the Senate agree to the amendment?

Senator SCANLON. Mr. President, one of the objections I had to the Independent Regulatory Review Commission was that on several occasions they not only ignored legislative intent in ruling on the validity of an administrative regulation, but on occasions they have actually flown in the face of expressed legislative intent and thus became nonelected policy makers. It was the intention of these amendments to reprioritize those matters which they must consider when determining the validity of any regulation and placing statutory authority of the department and legislative intent of this Legislature in their proper order so they will be given maximum consideration.

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?

#### SHUMAKER AMENDMENT

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

Amend Sec. 1 (Sec. 4), page 22, by inserting between lines 7 and 8:

(j) For purposes of conducting official business, a quorum shall consist of four members.

On the question,

Will the Senate agree to the amendment?

Senator SHUMAKER. Mr. President, this amendment establishes a quorum of four members to conduct business.

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?

#### SINGEL AMENDMENT

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

Amend Title, page 1, lines 8 through 14, by striking out all of said lines and inserting: Providing for oversight and review of regulations.

Amend Bill, page 17, lines 25 through 30; pages 18 through 36, lines 1 through 30; page 37, lines 1 through 22, by striking out all of said lines on said pages and inserting:

Section 1. Short title.

This act shall be known and may be cited as the Regulatory Review Act.

Section 2. Legislative intent.

The General Assembly has enacted a large number of statutes, conferring on boards, commissions, departments and other agencies of the executive branch of government the authority to adopt rules and regulations to supplement and implement those stat-



utes. The General Assembly has found that this delegation of its authority has resulted in regulations being promulgated without effective review concerning cost benefits, duplication, inflationary impact and conformity to legislative intent. The General Assembly finds that it must provide a procedure for oversight and review of regulations adopted pursuant to this delegation of legislative power to curtail excessive regulation and to establish a system of accountability so that the bureaucracy must justify its use of the regulatory authority before imposing costs upon the economy of Pennsylvania. It is the intent of this act to establish a method for continuing and effective review, accountability and oversight.

### Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Agency.” Any department, departmental administrative board or commission, independent board or commission, agency or other authority of this Commonwealth now existing or hereafter created. The term does not include the General Assembly and its officers and agencies, the Pennsylvania Fish Commission, the Pennsylvania Game Commission or any court, political subdivision, or municipal or local authority.

“Designated standing committee.” A standing committee of the Senate or the House of Representatives designated by a rule, which rule shall prescribe the jurisdiction of each standing committee over the various State agencies for purposes of this act.

“Regulation.” Any rule or regulation, or order in the nature of a rule or regulation having general applicability and future effect, promulgated by an agency under statutory authority in the administration of any statute administered by or relating to the agency, or prescribing the practice or procedure before such agency. The term does not include a proclamation, executive order, directive or similar document promulgated by the Governor, but does include a regulation which may be promulgated by an agency, only with the approval of the Governor. The term does not include a statement of policy as defined in section 102(13) of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

### Section 4. Regulations; criteria for review; existing regulations.

(a) Proposed regulations.—At the same time that proposed regulations are submitted to the Legislative Reference Bureau for publication of notice of proposed rulemaking in the Pennsylvania Bulletin as required by act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the agency proposing the regulation shall forward a copy of such proposal to the designated standing committee of each house of the General Assembly and additional information, including, but not limited to, the following:

(1) The name of the agency proposing the regulation and a statement of the statutory or other authority under which the regulation is proposed. If the regulation or change is proposed to implement the requirements of Federal statute or Federal regulation, the Federal statute or regulation shall be cited with specificity.

(2) A brief explanation of the proposed regulation or change.

(3) A statement of the need for the regulation or change.

(4) Estimates of the direct cost to the Commonwealth and direct and indirect cost to its political subdivisions and indirect cost to the private sector. Insofar as the proposal relates to direct cost to the Commonwealth, the agency may submit, in lieu of its own statement, the fiscal note prepared by the Office of the Budget under section 612 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(5) A statement of legal accounting or consultant procedures which may be required for implementation of the regulation by those affected by it.

(6) A statement of additional reporting, recordkeeping or other paperwork required by the proposed regulations, including copies of forms or reports which will be required in the implementation of the proposed regulation.

(7) An outline of conformance and relevant dates, including dates by which comments must be received, dates of proposed public hearings, the proposed effective date and the date by which compliance will be required, including the date by which required permits, licenses or other approvals must be obtained.

(8) The name of the author of the regulation with the office address and telephone number included.

(9) An identification of the types of persons, businesses and organizations which would be affected by the regulation.

(10) Identification of other regulations which would be affected by the regulation.

(b) Other requirements.—The requirements of subsection (a) do not diminish the notice of proposed rulemaking requirements of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. The information required by this section may be included in the notice of proposed rulemaking requirements for publication in the Pennsylvania Bulletin in lieu of the information required by section 201(2) and (3) of the Commonwealth Documents Law. The standing committee may waive an information requirement of this section for a proposed regulation when any specific requirement is deemed by the standing committee to be unnecessary or inappropriate.

(c) Regulatory analysis.—In addition to the requirements of subsection (a), for regulations which impose fiscal impacts on the public sector, private sector, or both, of over \$1,000,000 in any year, or which impose other major impacts as determined by the standing committee, the agency proposing the regulation shall forward, at the request of the standing committee, a written regulatory analysis. The regulatory analysis shall state:

(1) The financial, economic and social impacts of the regulation on individuals, business and labor communities or other public and private organizations. When practicable, an evaluation of the benefits expected as a result of the regulation should be included.

(2) That alternative approaches have been considered and the least burdensome acceptable alternative has been selected.

(3) That, in arriving at the acceptable alternative, consideration was given to minimizing new reporting, accounting and legal requirements.

(4) That a plan for the evaluation of the effectiveness of the regulation after its issuance has been developed.

(5) The manner in which, when it is lawful, desirable and feasible, special provisions have been developed to meet the particular needs of affected groups and persons, including, but not limited to, minorities, the elderly, small businesses and farmers.

(d) Criteria for review.—In order to ascertain whether a proposed regulation is in the public interest, the standing committee shall consider the following criteria in the review of any proposed regulation:

(1) Conformity to the statutory authority of the agency.

(2) Consistency with the legislative intent of the act which the regulation is designed to implement.

(3) Possible adverse effects on prices of goods and services, productivity or competition.

(4) Whether the regulation represents a policy decision of such substantial nature that it requires a legislative review.

(5) Direct costs to the Commonwealth, direct and indirect costs to political subdivisions and indirect costs to the private sector.

(6) Reasonableness of requirements, implementation procedures and timetable for the public and private sectors.

(7) The nature of reports, forms or other paperwork and the estimated cost of their preparation by individuals, businesses and organizations in the private and public sector.

(8) Possible conflict with or duplication of statutes or other existing regulations.

(9) The nature and estimated cost of legal, consulting or accounting services which the private or public sector would incur.

(10) The impact on the public interest of exempting or setting lesser standards of compliance for individuals or small businesses when it is lawful, desirable and feasible to do so.

(11) Clarity and lack of ambiguity.

(12) Need for the regulation.

(e) Adopted regulations.—Regulations for which notice of proposed rulemaking is omitted pursuant to section 204 of the Commonwealth Documents Law and regulations which the agency intends to submit for final publication with modifications from the initial text as published under section 201 of the Commonwealth Documents Law shall be submitted to the designated standing committees for review in the same fashion as proposed regulations at the same time that the regulations are submitted to the Attorney General for review as provided in the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

Section 5. Procedures for committee review.

(a) Time period.—The standing committee shall, within 30 calendar days from the date the proposed regulation is published in the Pennsylvania Bulletin, approve or disapprove the proposed regulation. Failure of the standing committee to disapprove a regulation within the 30 calendar days shall constitute approval thereof. For regulations which are adopted containing modifications to the proposed text as published and for regulations being adopted without proposed rulemaking, the time period set forth in this subsection shall begin to run from the date the standing committee receives the regulation.

(b) Extensions.—In the event the standing committees are prevented from completing their 30-day review because of expiration of the legislative session in even-numbered years, consideration of the regulation shall be automatically suspended until the fourth Monday in January of the next succeeding session of the General Assembly. On that date, the agency shall resubmit the regulation to the designated standing committee of each chamber, or its successor committee. The standing committees, or their successor committees, shall have 30 calendar days from the proposed regulation is published in the Pennsylvania Bulletin to review the regulation. For regulations which are adopted containing modifications to the proposed text as published and for regulations being adopted without proposed rulemaking, the time period set forth in this subsection shall begin to run from the date the standing committee receives the regulation. In computing the 30-day committee review period, the number of days in which the regulation had been under review by the standing committees and by the commission as of the expiration of the prior session shall be subtracted from the 30-day period. Failure of the agency to resubmit the regulation on the fourth Monday in January of the next succeeding session shall constitute withdrawal thereof. No proposed or adopted regulation may be submitted to the commission or the standing committees for review during the period from the end of the legislative session of even-numbered years to the first day of the next succeeding legislative session, but emergency regulations may be adopted pursuant to subsection (d).

(c) Notification.—Whenever a standing committee finds that a proposed regulation, a regulation being modified after proposed rulemaking or a regulation being adopted without proposed rulemaking may be contrary to the public interest under the criteria set forth in section 4, the standing committee shall notify

the agency promulgating the regulation of its finding. This notification shall set forth the standing committee's objections in reasonable detail. The agency shall review the standing committee's findings and, not later than 30 days following the notification, unless the standing committee grants extended time to comment, shall respond to the standing committee as to whether or not the proposed regulation shall be withdrawn or revised. If the standing committee does not notify the agency of any objection within 30 days, the agency may proceed to promulgate the regulation as provided in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(d) Barring publication.—The standing committee may, when notifying an agency of its objections under subsection (c) or at any time following such notification but prior to publication, issue an order barring the publication of the adopted regulation pending subsequent review of the regulation in the manner provided in section 6. The standing committee may not, however, issue an order against a regulation to the extent that the Attorney General certifies that the regulation is required pursuant to the decree of a court or to implement the provisions of a statute of the United States or regulations issued thereunder by a Federal agency, nor may the standing committee issue an order against a regulation when the regulation is transmitted with the certification of the Governor that it is required to meet an emergency. In this case, the regulation may take effect for up to 120 days but after that time may be disapproved by the General Assembly under the procedures contained in section 6.

Section 6. Procedures and subsequent review.

(a) Notification to Governor.—If the standing committee determines, after reviewing an agency's response under section 5(c), that the agency still intends to implement the regulation and if the committee believes that the regulation would be contrary to the public interest as determined under section 4, the standing committee shall notify the Governor, who shall within 45 days review the regulation and the standing committee's findings.

(b) Response of Governor.—If the agency still wishes to implement the regulation without revisions, the Governor shall submit a report to the standing committee, containing the response of the initiating agency and the Governor's recommendations regarding the regulation.

(c) Consideration.—Each standing committee shall consider the response of the agency and the Governor, as well as changes made by the agency to the regulation. If either standing committee finds the response or changes to be contrary to the public interest under the criteria set forth in section 4, it may reject the regulation. However, an agency and the standing committee may agree to return the regulation to the agency in order that the agency might resubmit it for reconsideration by the standing committee.

(d) Resolution.—If either standing committee rejects a regulation, the presiding officer of each house shall cause to be placed on the calendar of each house a resolution. The resolution shall be to reject the regulation.

(e) Action on resolutions.—Each house shall act upon this resolution within 30 calendar days or 3 legislative days, whichever is longer, of the rejection made by the standing committee. If either house defeats the resolution or fails to act on the resolution within the time limitation provided in this subsection, then the regulation shall be deemed approved and the agency may proceed to promulgate the regulation as provided in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

Section 7. Applicability.

This act shall apply to documents deposited with the Legislative Reference Bureau beginning on the first Thursday following the effective date of this act.

Section 8. Effective date.

This act shall take effect in 60 days.

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

Senator SINGEL. Mr. President, the amendment I am proposing today places responsibility for regulatory oversight exactly where it belongs, with the Legislature. Thirty days after a regulation is proposed, the relevant committee of the House and the Senate would be required to accept or reject the regulation. A regulation could be rejected by a majority vote of one committee, and no action would constitute acceptance of the regulation. If a regulation is rejected, it could be resubmitted, revised, or otherwise, and reconsidered by the committees during the next thirty days. This time it would take rejection of both committees, that is the Senate committee and the House committee, to stop the regulation.

Mr. President, it is understood that most regulations are technical in nature, and that no action by legislative committees would be required in most instances. In those cases where review is desirable, however, this system will insure a full review without the added expense and the time-consuming step of another commission. It is further understood the bill would require that all committees are going to have to spend a little bit more time reviewing previous actions and less time legislating and, I say, what is wrong with that?

Mr. President, obviously, the Legislature is not about to relinquish its responsibilities in areas like executive nominations and our deliberations on the budget and, in fact, the debating procedures, and so on. I submit to you and to all of my colleagues that regulatory oversight is every bit as important as any one of our other duties. I think it is both irresponsible and dangerous to give up that obligation. The average Standing Committee in the Legislature meets once a month, and many of you know that some do not even meet that often. Adding one or two regulations for a review to the agenda will not present a major new burden. In fact, the mechanism for review is already in place in most cases. The committees on which I serve, for example, regulations are routinely reviewed by Senators and staff prior to any outside consideration, so why is IRRC necessary? True, there are some committees that might deal with more extensive regulations and complicated issues on a more regular basis, and it seems to me that we should be prepared to provide the appropriate staff to that Standing Committee upon that demonstrated need. I have no doubt that price tag would be far less than the \$700,000 plus that we put out to IRRC every year.

I have one more point. Our Standing Committee structure lends itself to a degree of specialization and expertise in certain areas that exceeds those of independent agencies. Nobody knows more about industrial development bonds, for example, than the staff of the Committee on Community and Economic Development. Who better to determine if regulations are consistent with the IDB Law we just passed last December than the committee staff? Nobody knows more about public school subsidies than the staff of the Committee on Education. Why should some outside group pass judgment on education policy?

Yes, we have all received the letters from every interest group in the state asking us to breathe new life into IRRC. Does that not bother you just a little bit? Why have we not heard from many of these groups until recently, why are they suddenly visible on the issue of IRRC? Could it be they prefer dealing with five commissioners rather than with fifty Senators? Could it be their real needs are now met by regulatory fiat, and they really do not need the Legislature or our input or discussion with us?

IRRC, in my view, has developed into a separate mini branch of government that should be viewed with some caution. As long as it exists, Legislators will feel comfortable that regulations are being reviewed and studied. Their jobs are being done for them. If communications between the Executive and Legislative Branches are so poor that we cannot communicate and deal directly with each other, how does it help to establish a third party? It is a little like a troubled marriage. Communications will never improve if a couple deals with a mother-in-law rather than with each other.

I think it is time to take control of the situation and to say to this and to all subsequent Administrations that we want to communicate and work directly with the Executive Branch. We want a regulatory oversight system that is fair and responsive to all of our constituents. Let us say to the people of Pennsylvania who elected us that the Legislature is wise enough and mature enough to establish effective oversight on its own laws. My amendment is a step in that direction. It holds the mirror up to both Houses and to both the Legislative and Executive Branches and suggests that we get our own Houses together and save \$700,000 a year of duplicative and unnecessary bureaucratic spending. Mr. President, I urge an affirmative vote for this important amendment.

Senator STAUFFER. Mr. President, as the gentleman has clearly enunciated, the thrust of this amendment would be to tear out the legislation before us that reestablishes the Independent Regulatory Review Commission. I am certain it is the view that we do not want to do that, that we do want to continue this agency and reestablish it. On that basis, I would ask for a "no" vote on the amendment.

#### LEGISLATIVE LEAVE

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

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

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

Senator KELLEY. Mr. President, it is rather ironic this issue of some surveillance and control over the issuance of regulations in this Commonwealth would be handled in the manner with which it is being handled. It was just a short time ago that we rather overwhelmingly rejected the continuation of IRRC, and there were speeches made in this Body that indicated substantial reasons why IRRC should not be continued. And, yet, ironically, without any public hearings on the

matter, we come today and we have a continuation of IRRC proposed with some slight changes. The gentleman from Cambria County offers an amendment that is a substantive deviation from IRRC, but we have not gone through the usual format of dealing with substantive changes in not allowing the committees in these issues to have public hearings. The gentleman from Chester urges now, basically, the continuation of IRRC. What happened to all the reasons given on this floor why we did not continue it some time ago? I happen to believe if we all believed what was said then, that we would support the amendment offered by the gentleman from Cambria, because it gives the actual participation in the Legislative Branch to the spirit and the letter of regulations that would be issued thereunder.

There have been some courts that have come up with the idea that there is a separation of powers in the branches and that it is an executive function. I am saying that the gentleman from Cambria offers a viable alternative for us. If they want to have it court tested, let them, but, there is no way we are going to be able to have this spirit and letter of our laws to be regulated by IRRC, which is made up of the five people appointed by various persons in the General Assembly and the Governor. I would urge support. I regret very much, however, that this issue has not been treated in the same format that most important issues are, and that is public hearings on the subject. I urge an affirmative vote, Mr. President.

Senator BELL. Mr. President, I was not going to talk on this subject, but as I recall, the vote by which IRRC was not extended was 24 for and 23 against. That is not an overwhelming vote. It was a party-line vote. As I recall, two Republicans were absent by sickness and one was traveling somewhere. I am very concerned on the constitutionality of this amendment. I have some suggestions for IRRC to close the gaps. I brought it up at our caucus today, and I have been assured that the Standing Committee will take this matter up. I would suggest that because of the grave constitutionality question involving this amendment, we turn down this amendment today and fully discuss in committee the constitutional aspect. I do not see IRRC that bad. Before we had IRRC, those departments, boards and commissions passed regulations a foot deep, and nobody knew what was going on. I think the records of this Senate will indicate that an awful lot of IRRC regulations came from over the desk here. I reported that from the committee and we found we had quite a bit of cooperation, because when we found something wrong with a regulation, we advised IRRC and most of the time they went along with our committee. So, it is a safety valve to prevent the red tape and overregulation from the Executive Branch. But, as I recall, there is a federal case involving the Congress of the United States that says Congress cannot take over the responsibilities of the Executive Branch. I think that is something the Standing Committee ought to study.

Senator SINGEL. Mr. President, in very brief response, let me reiterate that I am not leveling criticisms at IRRC itself. I think the staff did as admirable a job as they could, given the circumstances. My feeling is that is the power that is rightfully

reserved to the Legislature. We father these children, it is logical that we should help raise them. We draft the legislation, it is logical that we should help make sure they are implemented properly. If there is a test of constitutionality, if there is further discussion necessary, let me remind the gentleman from Delaware, Senator Bell, and everybody, that this amendment has been drafted, has been introduced in bill form with strong bipartisan support, and I would urge that bill be taken up in the appropriate committee as quickly as possible. In the meantime, I would urge an affirmative vote to move ahead in this process right now.

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

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

#### YEAS—21

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

#### NAYS—27

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

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

The PRESIDENT pro tempore. House Bill No. 784 will go over, as amended.

### MEETING OF COMMITTEE ON JUDICIARY

Senator STAUFFER. Mr. President, prior to moving on with today's proceedings, I would like to announce on behalf of the gentleman from Montgomery, Senator Greenleaf, that the recessed meeting of the Committee on Judiciary will convene immediately in Room 461. I would ask all Members of the Committee on Judiciary to immediately go to Room 461.

The PRESIDENT pro tempore. Senator Stauffer has requested on the part of the Chairman of the Committee on Judiciary, the gentleman from Montgomery, Senator Greenleaf, that all Members of that committee report to Room 461 for a recessed meeting of that committee.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Andrezeski is on the floor and we can cancel his Capitol leave.

**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 for consideration certain nominations previously reported from committee and laid on the table.

The Clerk read the nominations as follows:

**BRIGADIER GENERAL,  
PENNSYLVANIA NATIONAL GUARD**

November 20, 1985.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Colonel John D. Campbell, 220 Fairway Road, Paoli 19301, Chester County, Nineteenth Senatorial District, for appointment as Brigadier General, Pennsylvania Air National Guard, to serve until terminated as Assistant Adjutant General for Air, Headquarters, Pennsylvania Air National Guard.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL**

December 18, 1985.

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 Honorable Harry Judy, Jr., 501 Linden Street, Middletown 17057, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Rufus F. Patton, Gettysburg, deceased.

DICK THORNBURGH.

**MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD**

December 18, 1985.

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 Christine Crist, 1915 Walnut Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of The State Employees' Retirement Board, to serve for a term of four years, vice Kemper P. Muench, Harrisburg, confirmed to another position.

DICK THORNBURGH.

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**

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

**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.

**UNFINISHED BUSINESS  
REPORTS FROM COMMITTEES**

Senator PECORA, from the Committee on Local Government, reported the following bills:

**SB 135 (Pr. No. 138)**

An Act authorizing a county, with the written recommendation of its recorder of deeds or commissioner of records, by ordinance of its governing body, to establish a uniform parcel identifier system by providing for a depository agency of the county's tax maps, including additions, deletions and revisions to such maps, and by providing for the assignment of such depository agency of uniform parcel identifiers for each parcel on the map in order to facilitate conveyancing and its tax assessment and to establish a modern land record system.

**SB 136 (Pr. No. 139)**

An Act amending the act of March 18, 1875 (P. L. 32, No. 36), entitled "An act requiring recorders of deeds to prepare and keep in their respective offices general, direct and ad sectum indexes of deeds and mortgages recorded therein, prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons," prescribing entries of uniform parcel identifiers to be made by recorders of deeds in certain counties in the indexes for deeds and indexes for mortgages; and making a repeal.

**SB 137 (Pr. No. 140)**

An Act amending the act of April 1, 1909 (P. L. 91, No. 53), entitled "An act relating to deeds for conveying or releasing lands, construing words and phrases used therein, and prescribing a form of deed and acknowledgment which may be used for conveying or releasing lands," providing for the description of land conveyed or released in a deed or other instrument by the use of the county tax parcel number of the land.

**SB 1069 (Pr. No. 1318)**

An Act amending the act of April 22, 1929 (P. L. 620, No. 258), entitled "An act directing the recorder of deeds of each county of the Commonwealth to refuse for record all deeds or other transfers of real estate, or interest in real estate, unless a certificate is attached to said instruments giving the precise residence of the grantee or grantees named therein;....," requiring the uniform parcel identifier to be included or endorsed on such deeds or other transfers of real estate, or interest in real estate in certain counties.

**HB 441 (Pr. No. 495)**

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," further providing for the exemption from taxation of fire and rescue station property.

**HB 563 (Pr. No. 641)**

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," exempting all property owned by nonprofit fire companies, ambulance companies and rescue squads.

**HB 1401 (Pr. No. 1706)**

An Act amending the act of April 6, 1876 (P. L. 18, No. 17), entitled "An act to provide additional security to holders and assignees of mortgages in this commonwealth," eliminating marginal notations of mortgage assignments in certain cases.

**HB 1402 (Pr. No. 1707)**

An Act amending the act of May 18, 1933 (P. L. 810, No. 128), entitled "An act requiring recorders of deeds to note releases of mortgages on the margin of the record of such mortgages," eliminating marginal notations of mortgage releases in certain cases.

**HB 1875 (Pr. No. 2458)**

An Act providing for a community services block grant program; and further providing for powers and duties of the Department of Community Affairs.

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

**SB 919 (Pr. No. 1822) (Amended)**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," increasing reimbursement for school building construction; and making editorial changes.

**SB 1183 (Pr. No. 1823) (Amended)**

An Act amending the act of July 9, 1985 (P. L. 184, No. 46), entitled "Institutional Equipment Grants Act," further defining "eligible institution"; and making an appropriation.

**HB 322 (Pr. No. 2834) (Amended)**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for the definition of "pupil instruction time"; authorizing the establishment of regional summer academies; further prohibiting the use of standardized entrance aptitude tests as factors for the admission of individuals having dyslexia; further providing for courses of study; making an editorial change; and making an appropriation.

**HB 1194 (Pr. No. 1406)**

An Act authorizing the indebtedness, with the approval of the electors, of \$30,000,000 for loans to libraries for the purpose of constructing, establishing or modernizing facilities.

**SENATE RESOLUTION****DESIGNATING FEBRUARY 8, 1986, AS "BOY SCOUTS OF AMERICA DAY" IN PENNSYLVANIA**

Senator HOLL, on behalf of himself and Senators MOORE, SHUMAKER, SALVATORE, HOPPER, CORMAN, LOEPER, PETERSON, STAUFFER, FISHER, ROMANELLI, BELL, JUBELIRER, WENGER, HESS, LEMMOND, RHOADES, BODACK, BRIGHTBILL, MADIGAN, REIBMAN, TILGHMAN, MELLOW, SCANLON, ROCKS, LYNCH, JONES and MUSTO, offered the following resolution (**Senate Resolution No. 124**), which was read as follows:

In the Senate, February 4, 1986.

**A RESOLUTION**

Designating February 8, 1986, as "Boy Scouts of America Day" in Pennsylvania.

WHEREAS, The Boy Scouts of America, with four million participants nationwide in 1985, including 202,000 participants in Pennsylvania, is the largest organization for young people in the United States; and

WHEREAS, Over one million adults volunteer each year as scout masters, den leaders and other positions for the Boy Scouts; and

WHEREAS, Thanks to these dedicated adult volunteers, more than 70 million young people have learned Scouting's lessons of patriotism, courage and self-reliance since the founding of the Boy Scouts of America on February 8, 1910; and

WHEREAS, Millions of Americans have benefited from the service, inspiration and leadership of the Boy Scouts; therefore be it

RESOLVED, That the Senate of Pennsylvania designate February 8, 1986, as "Boy Scouts of America Day."

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

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 124, ADOPTED**

Senator HOLL. Mr. President, I move that the Senate do adopt Senate Resolution No. 124.

On the question,

Will the Senate agree to the motion?

Senator ROCKS. Mr. President, I just wanted to make very brief mention, in considering this resolution, of something maybe we are not mindful enough of in here. Each of us in our elected roles, ordinarily, in coming to serve in public life, take on some roles in our community and in our Commonwealth. The sponsor of this resolution, very fittingly, is the gentleman from Montgomery, Senator Holl. I think many of us for years have looked to him with some admiration—I

know I have, serving on staff here and then in the House and now joining you in the Senate—for his involvement with the Boy Scout movement. I just thought it was noteworthy of mention that the sponsor of the resolution, that provides for us upon this vote a Boy Scouts of America Day in Pennsylvania, is the Chairman of the Board of the Valley Forge Council, which is the largest council in the Commonwealth, in fact one of the largest in our nation. I think too often we forget that we serve in those roles. I have admired him for his involvement with one of the greatest movements in this nation, and I just felt that I, at least, should make mention of that.

And the question recurring,  
Will the Senate agree to the motion?  
The motion was agreed to and the resolution was adopted.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Eugene Johnson and to John Vairo by Senator Bell.

Congratulations of the Senate were extended to Eugene Klein by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Charles S. Myers by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Roy D. Gladfelter by Senator Hess.

Congratulations of the Senate were extended to Mr. Benjamin H. Slick by Senator Jubelirer.

Congratulations of the Senate were extended to Cheryl Ann Schell by Senator Lemmond.

Congratulations of the Senate were extended to Joseph A. Nawn by Senator Loeper.

Congratulations of the Senate were extended to Mr. Francis Rafferty by Senator Lynch.

Congratulations of the Senate were extended to Mr. and Mrs. James B. Baskin, Sr., Mr. and Mrs. Paul M. Lovell and to Mr. and Mrs. Carlyle Morse by Senator Madigan.

Congratulations of the Senate were extended to the Galen Smith Family by Senator Moore.

Congratulations of the Senate were extended to the Daughters of Union Veterans of the Civil War by Senator O'Pake and others.

Congratulations of the Senate were extended to Mrs. Sarah Lord by Senator Rhoades.

Congratulations of the Senate were extended to Mrs. Sarah Clark Jones by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Dellorso by Senator Stout.

### BILLS ON FIRST CONSIDERATION

Senator HOPPER. 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 135, 136, 137, 919, 1069, 1183, HB 322, 441, 563, 1194, 1401, 1402 and 1875.**

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

### PETITIONS AND REMONSTRANCES

Senator KELLEY. Mr. President, five hours from now I urge all my colleagues and our fellow citizens to join in national television and watch the President's speech to the country and the assembled Congress. The reason I call everyone's attention and encourage them to watch it is because it is the State of the Union address in which there are also supposed to be discussions about the fiscal affairs and conditions of our great country. Bear in mind that we had the coincidence today also of having His Excellency, the Governor, speak to us in an assembled meeting with the other Body, and he spoke on the 1986-87 budget. Bear in mind, Mr. President, that the national fiscal control is now operating under Gramm-Rudman. Pennsylvania's loss of revenues for our next nine months—which is effective in our fiscal year which we are going to be considering of \$10 billion—will be anywhere from a half billion dollars to \$700 million. It seems inconceivable to me that any rational person can advocate, as the Governor did, a tax cut under those circumstances. It seems to me that if we are going to take seriously the responsibility of fiscally discharging the affairs of this Commonwealth and its people, we are going to look realistically to the effects the national government has with our state in its fiscal policies. Gramm-Rudman is the law of this country, and how it is going to affect Pennsylvania is a minimum of a half billion dollars.

Therefore, Mr. President, there is a long, long road of hard decisions in front of us, and that is how realistically we are going to treat the budget of the Commonwealth of Pennsylvania, and it is certainly not going to be as given in a dream speech today by His Excellency, the Governor. I appreciated very much his recanting all the improvements in this Commonwealth during the last seven years, which was accomplished, may I say, Mr. President, not by his Administration and not by us, but in conjunction of the General Assembly with the Executive Branch.

Therefore, Mr. President, I urge all of us to listen to the speech tonight. It is predicted and projected that the speech is not going to involve the fiscal affairs, but, rather, it is going to be in terms of the great family life which is very important in this country, and he is going to talk about the work ethic. It is going to talk a lot about good things, intangible qualities, which we all embrace, but not realistically with the fiscal affairs. So, until the Congress meets its responsibility of how Gramm-Rudman is going to affect the states, in particular Pennsylvania, we cannot, Mr. President, proceed in any way whatsoever in formulating our own budget.

Therefore, I call upon my colleagues and the citizens to watch the President tonight and keep the pressure on the President for what he is going to propose, because while the Governor talks about the last seven years in this Commonwealth and what has been accomplished, what has been accomplished in the last five years nationally is a doubling of the national debt, \$1 trillion, which is more than the debt of all the previous Administrations in this country's history. If that is not fiscal irresponsibility, I do not know what it is, and we would be fiscally irresponsible if we tried to conceive a budget in this Commonwealth without knowing the effects of the federal budget and how it is going to affect us.

Senator ZEMPRELLI. Mr. President, we heard today from the Governor of the Commonwealth as to his requests for a 1986 budget. I want to commend the Governor for once again giving us a speech in form that would be very hard to surpass. After all, it is very popular to talk in terms of tax cuts. Mr. President, I would also like to say to the Governor that in the seven years of his Administration, he has epitomized the Madison Avenue hype in terms of buzz words, phrases, slogans and the like, which at least in his feeling have been what he considered to be the impact of his Administration upon this Commonwealth.

Mr. President, I would have to give the Governor a failing mark with respect to the form of that budget. As a matter of fact, I am extremely disappointed in the budget message.

Slick? Yes.

Full of slogans? Yes.

Claims of accomplishment not warranted? Yes. But, no real substance.

Yet, he has done this every year since 1979. I can personally characterize the Governor's fine budget address as capping the most singular, unimaginative Administration ever to grace our Capitol. What bothers me particularly about this series of budget addresses is the shamelessness with which it was done in that seven years.

When reality presents itself and this Administration goes down, it will be the Administration that had the stewardship during the demise of the Commonwealth of Pennsylvania as a mighty industrial state. He has given us window dressing programs such as the Ben Franklin Partnership, and that would supposedly be the answer to our economic development, a slick name that makes good news copy, but a program that has had a negligible impact upon our Commonwealth.

Yes, he said in this address this morning that we could look forward to the Commonwealth of Pennsylvania being a state that will export its products. At the same time he has the audacity to make a programmed statement of that kind, we see in Allentown where the Mack Truck Company is leaving and taking its wares to South Carolina at a cost of 1,800 jobs to this Commonwealth.

Mr. President, certainly it is popular to talk about taxes and the reduction of them. I am not sure that every time we speak about the reduction of taxes we are being responsible, but I probably will vote for this reduction because it was the Democratic Senate last year that believed it should have been

reduced to 2.1 percent, effective July of 1985, instead of 2.35 percent, effective January, 1986. Is it not interesting that even in this cut that is proposed for business at this time, that because that tax is prepaid that, in fact, it will impact in a majority way into the next fiscal budget and really does not come to the dollars he would have us believe?

Mr. President, as I suggest, we will probably support the tax cut. It is a popular approach. It is an election year, and there is a gubernatorial election. At the same time, the personal income tax is not the only tax the Pennsylvania consumer pays. There are sales taxes, taxes on fuel and taxes on utility bills, and either their rates or their dollar amounts have increased steadfastly during the Thornburgh years. We supported the gasoline tax increases, two cents a gallon in 1979 and another cent a year later, and a new oil franchise tax, originally imposed at 3.5 percent which later went to 6 percent, all of which made gasoline more expensive and all of which cost the Commonwealth consumers an additional half billion dollars in new highway taxes under this Administration. We supported that, and we supported it because it was a way to get federal funds, and it was a way to get additional monies to repair our highways.

That is more than this Republican Administration did for Shapp. If the truth were known, you would not come up with the votes to provide that kind of support for Governor Shapp, as I recall. The point is that the gentleman from Westmoreland, Senator Kelley, who spoke previous to me, raised a very interesting point. You know what the answer will be to the question and inquiry as to whether we have to wait to see what happens to Gramm-Rudman before we enact the budget here. It will be that that budget comes in October, Senator, and ours comes on the first day of July. That is the same answer we got last year when we went to the Governor and said to him, "Governor, what are you going to do in this year's budget with respect to the loss of revenue sharing funds?" I was told, as you were told, "That is a matter that comes up in October, Senator. We cannot concern ourselves about that. We need to pass a budget on or before July 1st of a given year." Mr. President, a significant item. The best estimate suggests that we have lost over \$1 billion so far because of the loss of tax sharing revenues from the federal government at the state level and to our local communities. Is it not a fact and is it not interesting with all these excess amounts of money that nobody once says in a realistic fashion that inflation has been the reason for it? Has that not resulted in an additional tax expense upon our consumers? The 6 percent sales tax when applied to an automobile cost in 1979 with \$4,000 would produce a revenue that was half of what it would produce in 1986 because that car may very well cost as high as \$8,000, and it is a fact that the arithmetic creates double the money. But is it not also a fact that the utility taxes are horrendous in this state? Intolerably high because of the deregulation of gas. The 4.5 percent state tax on utility bills takes a bigger bite from the consumer than the amount of inflation that would allow for an adjustment. Our Democratic caucus in the Senate, and I am sure there will be support in the



House, calls for reducing taxes where possible in a way that will provide the greatest benefit for the average working person in the Commonwealth. We favor, as we have in the past and will continue, placing a ceiling on the tax on utility bills. Every household would benefit from this, and financially this would translate into greater savings than lowering the personal income tax by one-tenth of one percent.

I am told, Mr. President, that reducing that tax in that manner amounts to thirty-eight cents per week per average personal income taxpayer, a grand total of less than \$20 a year. We would like to do something substantial for the homeowners of Pennsylvania. We as a Democratic caucus sponsor and believe it is time the Commonwealth of Pennsylvania recognized that when a homeowner sells his home and he purchases a new home, he should be exempt from the capital gains tax. That is not a new and innovative procedure. That is not a new idea. That is something that has been part of the scheme for years and years at the federal level, but I will tell you it would impact hundreds of thousands of dollars upon the Pennsylvania households. More important than that, it is fair, it is reasonable, and it is just. I do not see anything in the Governor's budget message, despite all the pomp and all the rhetoric, that matches this simple conformity to the federal tax law.

I was pleased to see that the Governor had introduced in his budget message something about economic development. I was displeased to read in one of our local newspapers last week an editorial that said, in fact, "Governor, too little, too late." We, in western Pennsylvania, are just absolutely appalled at the condition of Pennsylvania's economy, and it grips my gut to have somebody tell me how well off I am and that I should be proud. Mr. President, pride comes from the result of innovation and accomplishment, and the demise of the steel industry in the Beaver and Allegheny Valleys, as well as the Mon Valley, are not matters to be proud about. We are skeptical about the Renaissance Communities program. It sounds nice, another fine buzz word, but will the Administration make it work? What happened with the \$190 million program that was designed for economic development? We find the program, as implemented by the Governor's Office, shows almost that they believe that this state is no longer a state that can exist as a manufacturing state. We do not. We want to make it clear and positive at this moment that we will continue to propose and approve funding for programs that encourage heavy manufacturing, as well as other economic activities. We believe it is possible to reverse the trend, a trend that has been sadly established over the last seven years of this Administration that saw Pennsylvania, in fact, sink to a ranking of thirty-nine among the forty-eight contiguous states, eliminating Hawaii and Alaska, in terms of factors important to manufacturing firms. And to the extent of the inconsistency in the budget's message today, I say to the Governor that my authority is contained in a recent report by the Business Council of Pennsylvania, and if that report is meant to mean what it says, that means we do not regard nor does manufacturing regard Pennsylvania as a good place to do

business. That is regretful, that is tragic. But what has the Governor who has boasted that "You've got a friend in Pennsylvania" really done about Pennsylvania's economic climate?

Let me tell the Members what he has done. If the Members have not already heard, the buzz word now is 1986, the year of export. Let me tell the Members what those exports are: Mack Truck in Allentown and 1,800 jobs. Let me tell the Members another one, the announcement by Westinghouse Electric last year that was forever closing—not temporarily—its transfer plant in Sharon at a cost of 600 jobs. Let me tell the Members another export from Pennsylvania, a series of announcements by Bethlehem Steel last year of further cutbacks; another one on exports 1986, an announcement by LTV that it would no longer produce welded pipes at its Aliquippa plant with the loss of some 500 jobs. 1986, year of export, yes, Mr. Governor, that would close all the coke and iron and steel operations with the loss of 1,300 jobs. The announcement by Xebec that it was closing its disc drive plant in Allentown putting fifty people out of work; and, yes, 1986, year of export, Armco Steel announced the closing of its tubular plant in Ambridge with 600 jobs lost, exported. You know, in the litany I have just recited, the tragic part of it is that it does not tell the whole story. The list of plant closings, cutbacks in 1985 alone is horrendous. In a report published by the University of Pittsburgh—and hear me well—fifty-two manufacturing plants in just the southwestern region of Pennsylvania permanently closed their doors in the span of eighteen months from January 1, 1982 through June of 1984.

Mr. Governor, acknowledge this regression of the industrial might of this Commonwealth and, for God's sake, quit telling us how well off we are because absent being on the streets of this Commonwealth and dwelling among the people listening to your budget address, I would have to get a sense of complacency that really does not exist in the streets. What kind of compassion do you have for people who have despair and who have lost hope? Is that a Commonwealth of Pennsylvania that we should be proud of?

Mr. President, I also say to you that we as Democrats have an agenda for Pennsylvania that proposes launching a major overhaul of the Commonwealth's water and sewer facilities. It is called in those beautiful words, "environmental infrastructure," and these components of our environmental infrastructure have been left to decay for too long. We believe we can rescue our environmental infrastructure and have the side benefits of putting thousands of people back to work, produce the miles of pipeline and the facilities needed for the undertaking of such a magnanimous job. The magnitude of the undertaking is simply enormous, and according to the Department of Environmental Resources, their estimates, one-third of Pennsylvania's water facilities need immediate repairs.

I have a problem in the City of McKeesport that has devastated that entire area, people boiling water, not the first time, at least a second time. The simple problem is that water, Mr. President, is the most important thing this state has going

for it, and one of the things that many other states do not have going for it. The bottom line is that that is, in fact, one of the more critical resources we have that spells, in fact, for an industrial might as far as this state is concerned.

Mr. President, overhauling our sewage facilities is even a greater task. According to the federal Environmental Protection Agency, Pennsylvania has about \$2.7 billion worth of sewage problems. The anticipated cutbacks with Gramm-Rudman makes the state commitment to doing this even more urgent. Let us face it. A discussion of Pennsylvania's sewage facilities is never very inspiring, but that does not diminish its importance. Today, at this very moment, about a quarter of a million Pennsylvanians must boil their water before drinking it. These contaminated water supplies are related, Mr. President, believe it or not, to inadequate sewage facilities.

I heard the Governor speak today about the Liquor Control Board and the inevitable tie-in to education commitment of appropriation. The first several times I heard this approach to the resolve of the demise of the Liquor Control Board and the fundamental tie-in with education, I just considered it a lark, but I seriously believe in the fact that he would continue to repeat this request, tying in an appropriation to education, that he honestly wants the students and professors of this Commonwealth to go out and lobby for the demise of the Liquor Control Board. I can come to no other conclusion from the remarks I heard over and over from the Governor.

Mr. President, the gentleman from Washington, Senator Stout, said at one time in jest that may have some significance of importance in what this is all about. I am not sure it does, but I think it fits. He said, "Everybody wants to go to Heaven, but nobody wants to die." I think there is a second quotation or situation that relates to what this Administration is endeavoring to proclaim and maybe misunderstands. Nelson Rockefeller was a candidate for some high public office, I believe it was President of the United States. During one of my nights of insomnia, which are not many, I happened to turn on a program at 2:00 a.m. in the morning. On this program, his two closest political advisors were discussing with David Frost, I believe it was, what Rockefeller's attitude was towards the poor man. David Frost made an inquiry and said, "Did Nelson Rockefeller really understand the plight of the poor?" Understand, Rockefeller was dead at this time. They both responded that he had no concept, and they went on to give this illustration. They said that after he had given one of his very pronounced political speeches in terms of his candidacy, everybody was inspired, and these two obvious down-and-outers went up to him after the speech was given, with hope in their eyes, and almost grabbed him by the lapels, and said, "Mr. Rockefeller, what are you going to do for us?"

He said, "Fella, I am going to reduce your taxes."

If this Administration is telling us that everything is well, this Commonwealth is in great shape, Mr. President, let me remind the Administration of all the economic problems that exist, in at least the southwest region of Pennsylvania, so devastating, so perplexing.

Mr. President, I would conclude by simply saying that in the weeks ahead, we will assess the Governor's budget, examine it and see how it conforms to our agenda, and we are going to make recommendations accordingly, but essentially what we would like to see in 1986 is a budget document that treats economic development with more substance than slogans and shows convincingly a plan to revive industry in Pennsylvania as we cannot afford to become a service oriented state. We know such a plan is not only possible, but absolutely necessary.

**The PRESIDING OFFICER (F. Joseph Loeper) in the Chair.**

Senator ROCKS. Mr. President, I rise to join with my leader in some observations regarding the budget address as given by the chief executive of our state today. It, too, interested me that the quote that is the first to jump out of the Governor's address is also the first quote listed on his press release for the day. We get the address and the press release at the same time, and that might be in itself a statement of the times. It says that Pennsylvania can continue on its present course of new confidence, new hope, new ideas for a new and promising future. Mr. President, like many others here, I am by now experienced and trained enough to understand that a budget address by its very nature is to be rosy and upbeat if not somewhat self-serving, but on that point alluded to by my own Leader, the gentleman from Allegheny, Senator Zemprelli, it does intrigue me, in the self-serving aspect of the speech, that a quick count tells me that the words "proud" or "pride" were used sixteen times by the Governor in one utterance of his budget message. The Governor had, for those of us who are Thornburgh watchers by now, after two terms of one Governor, a bit of a new tack today that I counted for the first time. He seemed to rely on some testimony to his programs, to his Administration, not just the past year but he seemed to want to give an overview of seven years by experts or by publications. He regarded Neal Peirce at one point. We all are in the speechmaking business at some point or another by being here, and I thought I might share with you what the Pennsylvania Outlook said the winter of 1985 issue, the winter just passed, in an article that was authored there. It said that in the last four years we have had 117 industrial plant closings "...in all, leaving 79,000 Pennsylvanians out of work. Following it is another list, this one of cutbacks in which plants remained open but jobs were lost all the same—another sixty-two plants affected, another 18,000 jobs lost." That article, that I happily make available to anyone interested, goes on to say that, "Unemployment in Pittsburgh has climbed by more than 100,000 in the past three years, and the former steel capital of the world no longer has even one operating steel plant within city limits; the United Steel Workers estimate that half of their 400,000 members in the state lost jobs during the recession that have not come back during the recovery." The quote in that article from Lance Shaeffer of the Greater Pittsburgh Chamber of Commerce says, "Parts of our city will never be the same again."

I point out that, in agreeing with the gentleman from Allegheny, Senator Zemprelli, the address was a little bit too rosy, and for a moment or two let us strip off the rose-colored glasses and take a look. I am, too, awfully tempted to play off of a couple of the Governor's highly polished remarks all too cleverly delivered today, that this, in fact, Pennsylvania we find today poised once again for greatness, the Governor's words: "Pennsylvania once again poised for greatness." Mr. President, it may be the longest poise in the history of this state.

I move to another list just to enhance the impressions of the gentleman from Allegheny, Senator Zemprelli, a little bit more and tell you the following: The United States Steel Mining Company in Greene and Fayette Counties, 1,000 dislocated workers. Try as I run through this to think not of the numbers but of a dislocated worker, a person, in most instances, because of the history of our state, attached to the job place in what was an inherited position through his family, being mostly an immigrant population as we are, and think of the desperation to that family and to that worker who is not sure today what he is doing if, in fact, he has any hope of a job.

Armour Food in Pittsburgh, 434 jobs lost. Fisco Plastics Corporation in McKees Rocks, 400 jobs; Blaw Knox Machine Company in Pittsburgh, 1,420 dislocated workers; Pullman-Standard in Butler County, 2,000 dislocated workers; A&P, forty local stores and Kroger, 45 local stores; 700 workers from A&P; Kroger, 2,854 workers; Kelsey-Hays in my Senatorial district in the City of Philadelphia, 300 jobs, and that was implementing, by the way, every economic development tool that I could find in my grasp along with the City of Philadelphia and our Commerce Department to try and save some workers. Westinghouse in east Pittsburgh, 22,500 jobs; and in Youngwood, 800; in Sharon, 6,350; Jones & Laughlin in Aliquippa, 6,500. Jones & Laughlin in Beaver, 2,802 dislocated workers; Keebler, in the last month in Philadelphia, 400 bakers; Jeannette Corporation in Jeannette, 1,900; and the list and the statistics and the tragedy is going on in our state.

"The Year of the Exporter," that is a clever one the Governor proclaimed today. It will get a headline somewhere tomorrow that 1986 is "The Year of the Exporter." Mr. President, I am tragically concerned that what we are exporting is our job base, our children, our future in this state.

A 4 percent increase recommended for educational funding, basic educational funding. I think a story that is told in every county in every corner of Pennsylvania with grave concern is that our children are leaving us. When the Governor referred today about how rapidly we are aging as a state, I ask you to bear in mind that there are two phenomena at work there. One, yes, as everywhere else in the nation and world we have more people who are living longer, and God bless us for that, but the other thing that is moving the median line in this state is that our children are getting out, getting out of Pennsylvania faster than any other state in this nation. It is a story that I understood well from my grandfather who came here from Ireland, because in our culture, the Irish culture, they

talk about the Irish wake. I will tell you what that wake was. It was when the family got together in Ireland and you were leaving for the New World, the hope of America, and you were never returning. Mr. President, I think there are a lot of Irish wakes going on in Pennsylvania because our children are leaving us and, maybe, it is based on our commitment to educational funding. It is something that we are going to examine in more than just one speech given, albeit the budget address, by this Governor today.

The buzz words referred to by the gentleman from Allegheny, Senator Zemprelli, really intrigued me. I thought it would be Democrats who never ran out of imagination when it came to new programs, but Governor Thornburgh seems to be rewriting the script. I pulled a few of them out: "Renaissance Communities program," one we know from last year; "Tax Stabilization Reserve;" the "Human Services Choices for Pennsylvanians," that is one we are getting from Lieutenant Governor Scranton, as pointed out by Governor Thornburgh today; and the "Chairs of Excellence." A lot of dollars are attached to these programs. The list seems to go on and on, and one has to stop and wonder, along with the gentleman from Allegheny, Senator Zemprelli, just what it means.

I would ask us as we now, the Senate, the Legislature, officially begin our budget season to bear a couple of things in mind. I believe there are two traumatic dimensions that are going to impact on this budget season. One of them is a final realization that we are in an economic shift in our time that is at least as dramatic as going from an agrarian people to a mechanized people, and that transition, in fact, is here and it is impacting greatly on a state like Pennsylvania, like our own, like our people. In that shifting time, we need to not make speeches but now get back, get down to the very cold and hard facts of a budget. The other dimension—oh, we heard it a few years ago from President Reagan, and it seems to have caught on in Washington and certainly captured the imagination in many other places—is the new federalism. Now the new federalism comes down to us in a specific, referred to already on this floor by the gentleman from Westmoreland, Senator Kelley, and the gentleman from Allegheny, Senator Zemprelli, Gramm-Rudman. It absolutely befuddles me that the Chief Executive of this Commonwealth when his Secretary of Transportation stood up a week ago and said that he was terrified of what the impact of Gramm-Rudman would be on highway funding and how, in fact, it could force us to face new levels of taxation of liquid fuels for a highway program and a transportation program. We cannot calculate today the impact of revenue sharing cuts coming under the Gramm-Rudman proposal, and, yet, tomorrow's headline, if not the speeches, will flow and it will call for a tax cut, and that is politically very popular. I hope our charge would be in a very serious and bipartisan manner as we are accustomed to here, and in the last several years I think we have worked very hard in that regard, to look seriously at 1986 and where this state stands on the budget. It is our primary function that now we begin the seriousness of our

much at stake. I think its impact on our efforts will be felt far beyond a rose-colored glasses approach to a budget address. I very realistically join with my leader, and I am sure the leadership of the Majority Party here, in looking at the budget as it should be viewed, that document that we need to fund our future in Pennsylvania.

Senator STAUFFER. Mr. President, I have been listening to some of the remarks made by the gentlemen on the other side, and I guess I have been listening with a certain amount of sympathy because, recognizing that today's budget address was the final one that Governor Thornburgh could present, and recognizing the record that has been achieved in the past seven years and the substance of the budget offered today, I can see the dilemma faced by a politician sitting on the other side of the aisle who is trying to react to that and to say something negative in order to make a political point.

Yes, Mr. President, it was a very rosy, upbeat budget message because the picture generally in Pennsylvania is a rosy, upbeat picture, and we should not lose sight of that fact. Mr. President, there are negatives and there are positives, and if we want to dwell on the negatives, I am sure all of us can contribute to painting the worst kind of gloom and doom picture that anyone can imagine. If we want to look at the positives in order to make a blueprint of what we need to do to correct those negatives that still exist, we can take pride in some of the presentations made by the Governor today. We can recognize that 400,000 more people are working in Pennsylvania today than were working in Pennsylvania in 1983. We can recognize that more people are employed in this Commonwealth today than have ever held jobs in the history of this Commonwealth. Mr. President, we can have a list of those unfortunate plant closings that we have had, and we are all sorry about those, and we know there have been a variety of circumstances that have played into them. In a moment I want to speak to some of those, but we can also talk about the new things that are happening.

For the benefit of the gentleman from Philadelphia, Senator Rocks, there is the new UPS terminal that we were able to announce several days ago and passed legislation that is going to headquarter that large national firm in an area of Philadelphia and suburban Philadelphia, and it is going to provide hundreds and hundreds of jobs. Mr. President, I could tick off a list of high tech firms that have established in Pennsylvania that have built new plant sites and hired thousands of people that could keep us here for quite some time. I am not going to belabor the point of naming those firms one by one. I think all you need to do is drive around the high tech corridor area of the Commonwealth and see the construction going on and see the building trades jobs that have been created, and so forth.

Mr. President, when we talk about the highway situation, the transportation situation, I would remind my friend, the gentleman from Allegheny, Senator Zemprelli, that some of us have put up the votes the same as he and some of his colleagues have for every one of these tax increases we have had that increased gas taxes through the years. I personally have

voted for them in Republican Administrations and in Democratic Administrations. There is one thing, Mr. President, we all have to agree on. This Administration has performed a near miracle in the past seven years with regard to the highway system in the Commonwealth of Pennsylvania. We were in a shambles, Mr. President, and I am going to cast no aspersions and make no charges toward anyone in the past in that regard. I am going to look at the positive side because I want to be upbeat. I want to join with the Governor and talk about the good things that were done and the good things we can do. When you drive around this Commonwealth and see the blacktop that has been placed on our highways and the improvements that have been made to intersections and bridges and the work that continues as we see more contracts being let, we have to recognize that we now have a transportation program that, as the Governor indicated in his address, leads the nation. If you want to quarrel with whether it leads the nation, you certainly have to agree that it is one of the tops in the country. There is no argument to the fact that we have drawn down more federal funds than any other state in the country. That is a statistic that is verifiable and is without question.

To make an accusation of Madison Avenue hype, I think is unfortunate, Mr. President, because the Governor of this Commonwealth stood before us with the situation as it exists where we can consider and he can propose an \$18 billion budget for this Commonwealth that will be funded in its entirety and that will still provide margin that we can offer some incentives in the way of tax cuts. Mr. President, rather than dwell on the personal income tax reduction, which I think has some significance—you can belittle the amount of it as it attributes to each person—but I think everyone would agree that it is better to put \$10 in your pocket than take \$10 out. But, the thing to me, Mr. President, that is significant and that I think should be appealing to the gentleman from Allegheny, Senator Zemprelli, and the gentleman from Philadelphia, Senator Rocks, and others on the other side of the aisle, is the fact that we are going to reduce business taxes in order to try and coax more businesses into the Commonwealth and truly make us competitive with other states in this nation with regard to business taxes. In the final analysis, Mr. President, we all know that job creation is the key to the whole thing. We can talk and we can verbalize, but, in the final analysis, it is what we can do to create jobs.

Mr. President, western Pennsylvania faces an unfortunate situation because it has not had the benefits in some of its areas that other sections of this Commonwealth have had in economic recovery. I think the Governor has been very clear in recognizing that and pointing that out. On one hand, we criticize him in some of the speeches I have heard regarding his program, and then, on the other hand, he is being criticized because he has a program of Renaissance Communities. If the complaint, Mr. President, is the fact that a name has been put to the program, fine, I can accept that. I am sure the Governor can too. But, the substance is what counts, Mr. President, the substance of the fact that there is a recognition

that in this Commonwealth we still have communities that have not received the turnaround that is so vital and that now we are going to shift money into those areas. We are going to target those areas to try and do things that are especially meaningful to make that turnaround. I think that is the key thing.

Mr. President, when we want to talk about issues like the Mack Truck situation, I think we have to be fair. I know we have operated fairly, but sometimes we get a little carried away in our effort to make a point. I think we all recognize in this Chamber that the Mack Truck situation is a very unfortunate one for this Commonwealth, but it is not one that was brought about by the failure of this Commonwealth or this Administration to endeavor to keep Mack here. The Mack Truck situation purely and simply came down to a labor relations issue, one that was totally out of our hands. In fact, Mr. President, my understanding of the issue is that it was even out of the hands of the workers who work at the Mack Truck plant, because their International Union made the decision with regard to the negotiations and did not allow the local workers to make that decision. Mr. President, we cannot mix apples and oranges. Labor relations are something that take place between companies and among labor unions and the workers and the management of our companies, and that is a healthy situation. In this case it is unfortunate that Pennsylvania was the loser, but it certainly was not the result of any failure on the part of Dick Thornburgh or this Administration to try and do everything possible to keep Mack Truck in Pennsylvania.

Mr. President, when we are talking about providing more jobs and making Pennsylvania's future better, let us not overlook programs like the very successful Ben Franklin Partnership program. Let us not ignore the variety of job training programs and retraining programs we have that have taken, according to the Administration and estimates and figures that have been developed, 200,000 former welfare recipients and put them into meaningful jobs. Mr. President, 200,000 people are now self-sufficient, are now working and being productive. That is good for our Commonwealth, and that is going to be meaningful to us as we look to the future.

Do we have any problems? Of course, we do, and I suppose ever will that be the case because as quickly as you solve one problem, you either discover a new one or sometimes you even cause a new one. Mr. President, that is our job to work together to try and solve those problems. I think in the final analysis we have to recognize that Governor Thornburgh has had an outstanding Administration. It has been a successful one. Otherwise, we would not be dealing with the fiscal situation that we are. He has given us what will amount to a good legacy. I think the mission we have now is to take the admonitions he has given us and carry that ball and move forward and correct the inadequacies that exist and truly make Pennsylvania all that we know and believe it can be.

Senator PECORA. Mr. President, I feel that now is the time we should look upon the Governor's budget in the sense of the seven years, and this the eighth year, of his Administra-

tion. I feel we should analyze the previous Administration, what they left for us and what problems we had to solve when Governor Thornburgh became our Governor seven and a half years ago.

Unemployment was tremendously high in Pennsylvania. Unemployment today has dropped tremendously. Because of unemployment, taxes coming into the Commonwealth were less than in previous years. In previous years, under the Shapp Administration and many others, they did not care about creating jobs. The only thing they did was increase taxes, so they constantly put a heavy burden on the industries in our Commonwealth, the small businesses, the working people. By continuing to raise taxes, we chased industries out of this Commonwealth. We bankrupted small businesses, which created the jobs for the needs of our people in this great Commonwealth.

What hurts me today is the people presently taking a negative approach with short memories, very short memories, of eight years ago. My God, some of them, Mr. President, are even under the assumption that President Carter, who they supported, was a good president. He almost bankrupted the whole United States. But, this is the time for politics, Mr. President, so I guess it is the time to criticize and not appreciate what has been accomplished in the last seven years. We can complain about water problems in certain municipalities, but we cannot blame anyone because the federal government contributes many tax dollars to water authorities in municipalities, but if the appointed water authorities do not supervise the operation and the monies as required, then they will have water problems. They will have major problems with their water authorities. Then we turn around and we want to blame that on someone else. We cannot blame it on the people who wasted the money, some of whom have instituted political patronage. Many people had jobs where they never went to work. They punch in and go home in water authorities, but then after the patronage catches up to them and they have no money to improve their facilities, then they blame everyone else.

The same is true with the sanitary sewers in municipalities. There is money appropriated through the federal government which was used by many municipalities to improve their sanitary sewer systems. They also charge a tap-in fee to any homeowner, business, or corporation that uses the sanitary sewer facilities. Those monies should be handled properly to continue to improve the sanitary sewer system. They assess properties on their frontages for sanitary sewers. There is money coming in every day. You put a businessman in charge or you put honest politicians who are attempting to do a good job for their communities and they would not have these problems. How can we blame someone who is not responsible for those problems? Many municipalities have blundered in their operations of their governments, so where do they go? They come to the Commonwealth for assistance. If they cannot get it from us, they go to the federal government. But, when the money is given to them too easily, they continue to waste it, but when they have to vote to raise their taxes, they think

twice and they realize they must be doing a deplorable job if their increases in taxes are much more than other municipalities. Their cost of operation of a sanitary sewer system is extremely high, so we then say, who do we blame? It is a political year, let us blame the Governor or the President of the United States. But many of these problems lie in the municipalities, the water authorities and other authorities. It is their responsibility to make good use of the monies collected so they never have the problems they presently have.

The Governor's proposal today I felt was very good. It will lower taxes in three segments. It will entice small business people to increase their investments to hire more people. It will entice more corporations not to consider moving out of Pennsylvania because we have lowered the corporate tax. But, we are showing a positive view on what Pennsylvania can do for its constituents. Without businesses, without corporations, we do not have jobs. We can criticize the importing, that is a federal problem, it is a Congressional problem. They had to approve of it or it never would be. We blamed them at the time it was done. No one wants to remember that time. They only want to blame someone today, but these are the major problems in our Commonwealth, and I feel, Mr. President, that every elected official has a responsibility. That responsibility is to entice businesses into his Senatorial district, legislative district or his Commonwealth. You must show these industries that they have a reason to be in Pennsylvania. We must show them they can benefit by being in Pennsylvania. When we accomplish that, we will continue to increase employment in Pennsylvania as we have been doing in the past few years, but you cannot solve the problems created by previous Administrations in one term or two terms. Those problems have become so deep that it is difficult to resolve them so easily.

Mr. President, the budget increases financial assistance to our school districts. It increases financial assistance to the needy, such as mental health, mental retardation programs. It increases many benefits to our people and our Commonwealth, but, also, Mr. President, it makes the working people and the business people feel they are also benefiting because they pay for these costs involved in this Commonwealth. They pay it every day when they go to work, and they pay it with every paycheck they look at. You cannot continue to abuse the working person of this Commonwealth to eventually where it does not pay to work.

Senator BELL. Mr. President, we have had the good guys and the bad guys talk, and I am going to be the third world. I listened to the Governor, and he did not sound like a lame duck, he sounded like a candidate. I do not know if that is what started this tirade on the floor of the Senate or not. I do not know what he is running for, but he definitely sounded like a candidate.

As far as the budget, the Governor does not determine the budget in this state, it is determined by the Legislature, and we are going to have nine days of budget hearings. I certainly hope that last year's poor attendance by certain people is not repeated, because, very frankly, there were days when the

only Senators listening to the budget presentation were the gentleman from Montgomery, Senator Tilghman, and myself. There was nobody from the Minority. It is what comes out of those hearings that results in the budget document. We do not have to pass what the Governor wants. He does not tell me what to do. I am going to chide the Democrats for quite a few items. One, the raid on the Lottery Fund. I was never able to find out how much the raid was last year, but I think it was about \$200 million. I just received this thing about four inches thick, and I am not one of the leaders, and I cannot know what is happening in that front office, but I smell a raid on the Lottery Fund in there. I think if there is \$100 million, they ought to give the raid back.

I read in the papers there is a 3 to 4 percent increase for the public schools. I want more money for the public schools. I would rather have more money for the public schools in my district than one-tenth of one percent of a personal income tax, because I agree with the gentleman from Allegheny, Senator Zemprelli. I think in my district it is \$15 a year. Yet, those same people, if we had this money put into the public schools, especially the old folks who cannot afford to pay school taxes, we would bring some relief back from Harrisburg for those folks. They are out there and they vote.

Next, I do not think you are right on the Gramm-Rudman funds, because I have been reading and I was at the transportation meeting of last Tuesday morning. I did not see many other Senators there. I saw a couple of them. I think there are fifteen or so on that committee, maybe it is only ten, but there were only a couple of Senators there. When I heard the Secretary of Transportation tell the Legislators that we have to go out and raise \$200 million of new taxes, I wondered who he was talking to because a lot of it goes to make up the losses on the Highway Trust Fund, which is federal, and Gramm-Rudman is going to hit it, and he was talking about knocking about half of the interstate construction money out. Then he said do not worry about it because it does not start until July of 1987. That is a new fiscal year for them. We could all have three or four different fiscal years of playing with those feds. Some of that Gramm-Rudman money takes effect April 1st, not October 1st. I am scared. Then when he admitted that the Highway Trust Fund was solvent and our tremendously intelligent Congressmen down there are going to cut back by Gramm-Rudman on the solvent Highway Trust Funds, I asked Secretary Larson what are they going to use it for, foreign aid? Later, I said, maybe they need it to pay their extra postage bills. Then I read where they are clipping the old soldiers and old sailors home down in Washington. That is another one that is solvent. There are all kinds of solvent agencies that are being clipped by Gramm-Rudman, and I think you better put Hollings in there, too. I think he is in on that deal. They did not know what they were doing when they pushed Gramm-Rudman through, and it is going to affect this Commonwealth.

I say to the gentleman from Allegheny, Senator Zemprelli, from the figures I get, it is going to affect us by maybe \$500 million, and that is why I am going to be at the hearings of the

Committee on Appropriations, so I can ask questions. I want to ask questions, for instance, how will this affect fuel assistance? I want to know if that money is still coming through, because I read in the papers that we are low on the totem pole, and we are not given as much for fuel assistance in this state as they are maybe in New York State. Remember, I am the third world speaking.

Some of the Members may have read last week where we uncovered what you do if you want to run an unsafe truck in Pennsylvania. This new task force that was set up by the State Police, PennDOT and PUC checked 3,500 trucks and found 35.6 percent were so dangerous because of the driver or the truck that they impounded the vehicle. Over one-third. Then we found out the inspection team followed bankers hours. In other words, they quit when it gets dark. This is the stuff I would go after their throat with if I were you, because that is out there. Then the PUC man said we do not inspect trucks because no trucks run at night. We asked him where the hell he was at night time. Why was he not up on Interstate 81? I came back last night from that Cornucopia Dinner, or whatever they called it, and I had trucks following me three abreast, three lanes, three trucks, and one of them wanted to run me off the road and I was not going over sixty miles an hour. Then it was brought out by the fact that on the Turnpike they are running 100,000 pound loads, which is legal. I think the gentleman from Allegheny, Senator Early, backed us up on this. They exit them on our highways that only carry 80,000 pounds. All right, it is after dark. Nobody is out there checking truck weights. This is the stuff I would go for, I would not just call names. The gentleman from Allegheny, Senator Zemprelli, is wrong, Mr. President, by saying we lost these jobs because of this Governor or that Governor. Some, yes.

Last Thursday, on January 23rd, I was honored by the United Steelworkers of Pennsylvania. I received the Legislator of the Year award, and it really shocked them when they found out I was a Republican. The message I came out with from that meeting was they have lost about one-half of the active steelworkers in the United States in Democratic and Republican Governor states, and about one-third of all of their members, and it is because Congress down in Washington and the President—they cannot pass the buck from one to the other, they try to—are not protecting American industry. They are not protecting our steelworkers. Not only are they producing steel in countries where they maybe get \$5.00 or \$6.00 a day, if they are lucky, but they are also having state subsidies, and that steel is coming across the docks. If the Members do not believe me, drive the Pennsylvania Turnpike. I have been up here for thirty-two years, and in the last couple of years this is the first time I have seen steel going east to west instead of west to east. So we are now into the guts of what happened to our steel industry, and it is tragic. It is because Congress is not doing their job.

May I respectfully suggest—and the Members know very well that I do not hesitate to blast the Governor if he is wrong—that we go after where it belongs and that is in the Congress.

Well, I have said my speech. I am going to urge everybody to attend these hearings before the Committee on Appropriations this year. Do not leave the gentleman from Westmoreland, Senator Kelley, and myself, to start to raise the questions of why do you not worry about revenue sharing. Oh, I did not raise that one. Is it not supposed to terminate in October of this year? What are we going to do about our boroughs and townships and cities that get no revenue sharing? That is going to cost the City of Chester \$1 million, and they do not have \$1 million. Again, you have now heard from the third world, and usually with the third world, everybody gets mad at him.

Senator ZEMPRELLI. Mr. President, I have a brief response, part of which is to put the record straight. I may have been misunderstood, I may very well have made a mistake in my principal address. My suggestion as to the loss of federal revenue funds to date is that there has been a loss of \$1 billion in those funds to the state and local governments as of this moment. I did not try to assess what the additional loss would be. The gentleman from Westmoreland, Senator Kelley, alluded to that, and he probably has a better handle on that than I do.

Secondly, in the remarks of the gentleman from Allegheny, Senator Pecora, I do not think my purpose here is to assign fault, it is, rather, to find a situation that exists where something has to be done about it in the sewage and water area. It is going to do little good for us to start pointing fingers at one another when we recognize the gravity of the problem.

Thirdly, I am simply amazed, Mr. President, as to how after seven and a half years in a new Administration that we always have the common reverter, and that is dump on poor Milton Shapp, just dump on poor Milton Shapp. I am sure he is as annoyed about that as I am. Why do I say that? I served during the Shapp Administration, and I was not his supporter. I supported him to the extent that we had the same political philosophy. When he thought that the principles were different, I was in opposition to him. A statement was made about unemployment at the time the Shapp Administration was in power. In 1978, during the Shapp Administration, the average unemployment index was at 6.9 percent. When the Thornburgh Administration took over, that average, of course, was 6.9 percent. From information that has just been given to me, I am told that the unemployment factor in the State of Pennsylvania at the conclusion of 1985 is 7.9 percent. Mr. President, it points out how, through the use of statistics, we can misinform, although not purposely. I understand the Majority Leader is a very honorable person, and when he says there are 400,000 more jobs, I have to believe him. I have to believe at the same time from what I see and what I am told that we are virtually becoming a hamburger haven, that we are talking in terms of jobs that are minimum wage, that there are people who are working mostly in fast food supplies. I am advised that it will not be too long when MacDonalds will be the largest employer in the State of Pennsylvania at minimum wages. I do not think this is the kind of thing we want to brag about. I think it is a tragedy.

Mr. President, I want to make one point very clear and I agree with the Majority Leader when he touched upon it. I sort of thought he was on my side of the aisle when he said it, if I interpreted his remarks correctly, and that is that everybody who wants to work should have an opportunity for employment. I endorse that 100 percent. I really think the greatest tragedy in government is when it is unable to provide employment for people who want to work. That is what it is all about, and that is what is not happening. That is precisely why I have gotten up, because that is the root core, the nexus, the juggler of everything we are all about. That is what is not happening in the Mon Valley, the Beaver Valley and many other valleys and areas throughout this Commonwealth. Since we are alluding to statistics, let me say one thing further. The unemployment index being at 7.9 percent also is a diffusion of truths, simply because we have built into that percentage pockets that run as high as 25 percent and 27 percent at given periods of time. That is the Pennsylvania tragedy because they are people for whom we have the responsibility to employ and provide jobs.

I am going to conclude by saying one other thing, and I have to admit at the outset that I was never privy to any discussions with Mack Truck, but I did have a couple of people from the Chamber of Commerce—and they may be wrong, maybe they were telling me something that was not accurate—suggest to me that the Governor was not interested in entering into the discussions with Mack Truck. I am suggesting that as being what I was told. Why I thought that may have had some substance is because of an article that appeared in the Allentown Morning Call which was more or less supportive of that attitude. I am going to read this article. It is a very short one, but I think it should be a part of the record.

It starts out with a headline banner, "Mack: The first bill for taxpayers."

Then there is a subtitle to that which is in caps to emphasize the remark, and it is a direct quote from my good friend the Labor Secretary, a former Member of the House, James E. Knepper, and this is how he is quoted.

"We're here to offer services in the event possibly we can come in as a disinterested third party...in what has been characterized as a labor dispute."

I go on to the substance of the article: "Someone should have told the Secretary of Labor that his Friday offer to get the state involved as a disinterested mediator between the United Auto Workers union and Mack Trucks came two days too late. The selection of a South Carolina site on which to build Mack's new \$80-million plant was announced by the company the previous Wednesday.

"However, the primary purpose of Mr. Knepper's visit to Allentown was not to offer state mediation services but to present \$500,000 of taxpayers' money to help retrain Mack workers who will lose their jobs.

"In the days since it became known that Pennsylvania had lost Mack to South Carolina, plenty of speculation as to the economic impact of the move has been voiced by public officials and private individuals. Although it is too soon to

predict with any certainty the precise financial burden of this loss to the community, one thing is clear. The taxpayer has received the first installment on this bill. It is for \$500,000—the cost of retraining some of the Mack workers who have lost or who will lose their jobs."

Mr. President, I am going to read the last paragraph in this article and I will probably give it articulate inflection because it is the meat of the article.

"We want to keep Pennsylvania workers in Pennsylvania," Secretary Knepper declared, when told that some of the Mack workers in the Lehigh Valley will move to South Carolina. Yes, Mr. Secretary, so do we." I assume that is an editorial comment. "Perhaps if the Thornburgh administration had expressed less disinterest and more interest in the outcome of the Mack-UAW negotiations over the location of the new plant, we wouldn't have to use a half-million dollars of public funds to retrain Mack workers and lose Pennsylvania taxpayers to South Carolina."

I have no comment. I was not privy to it, but apparently the Allentown Morning Call knows more of it than I know in its article of January 28, 1986.

I conclude by saying this: obviously the Mack Truck situation to a great degree—and I know the issues are complicated and there are many, many facets that go into whether a plant is going to stay or leave, and I agree with the Majority Leader—is not an uncomplicated situation, but is it not interesting that the enticements that were offered by another Republican, United States Senator Strom Thurmond, were of such a nature that the inducement, the rate, call it what you will, was such that he prevailed over our Governor in an attempt to keep an industry in this state? Mr. President, I rest my case, and I have to simply because I was not privy to any of the events or the lack of involvement of any of the parties involved.

Senator STAUFFER. Mr. President, I recognize that today is not the day to have a Mack Truck debate, and I am sure the Minority Leader will agree with me on that, but I would like to make a brief response to the reading of that editorial. I believe, Mr. President, that the reading of that editorial is an illustration of where partial information, although accurate, can lead one to a totally erroneous conclusion. In the Mack Truck situation, Mr. President, I would point out to the Minority Leader that Secretary Knepper's role was not the role of being the negotiator to try and keep Mack in Pennsylvania. That was a role that was assumed on a day-in and day-out basis by the Secretary of Commerce, Mr. Pickard. I happen to know that the Governor himself spoke—and I am not sure of the number of times, and I am not even going to try and speculate on that if it would not be accurate—to the president of Mack Truck asking the questions of what we could do in Pennsylvania to keep Mack Truck here. When Secretary Knepper said, "I come as a disinterested party," he did not mean that in the sense that he was disinterested in the outcome. We all know that he meant disinterested from the standpoint of getting involved between the two parties in the negotiations. I think we would all agree that would not be the



role that a Secretary of Labor and Industry would properly carry out.

I think, Mr. President, as far as the Commonwealth's performance in the Mack Truck incident is concerned, the proof that the Commonwealth did a good job or a reasonable job is the fact that Mack Truck's international headquarters remains in Pennsylvania. Mack Truck is not moving out of Allentown as far as its facility for its main offices are concerned. Yes, a manufacturing facility is moving out, that is the unfortunate loss to Pennsylvania, and that is the loss that came about as the result of the breakdown in the labor negotiations that took place. I would point out that in suburban Allentown—and I do not remember the name of the community—a manufacturing facility continues to exist which I believe I heard on the news broadcast last night, employs something in the range of 1,800 people. I heard the Mayor of Allentown pointing out with pride, as he stated, the Bulldog is still here, Mack Truck still has Allentown as its headquarters, so it was not the Commonwealth that was at fault in that situation.

Senator ROCKS. Mr. President, I thank the indulgence of the Chair and the floor leaders in allowing me to participate in what is this preliminary if not the kickoff of the budget season. I have stayed to listen with interest because of my intent, Mr. President, to be involved as much as possible in the process.

It intrigued me in listening to the exchanges that, in fact, I had spoken of kicking off the season this week, the budget season, but there are two seasons that kicked off this week. One of them was the budget season and the other one was for the election of a new Governor. The gentleman from Allegheny, Senator Zemprelli, I think, rightfully goes by way of reaction to the comment by the Majority Leader and the one that he persists in, and that is there was nothing that Pennsylvania could do. I have listened as carefully as possible to what he documents as the question of this Administration's involvement. But for many of us, and I know for myself as I followed the happenings in Allentown with Mack Truck, I do not think it is suffice that what we have left there is the international headquarters. I believe it has become all too typical a Republican response in this Commonwealth that we have a headquarters left, but we lost 1,800 jobs, and that, I think, is the question that the first contest will determine. It is one of leadership and is going to be, I assure you, well debated and documented throughout this gubernatorial season. I believe, my own personal political point of view, that the Governor of this state should have been in Allentown. I think the voters of this state will make the decision in the context of leadership for those parts of what we have discussed here today. In fact, it is no secret that Mack Truck is 51 percent owned by the Renault Corporation in France, and this Governor, who has had such a penchant for international travel, should have been on a jet airplane and been to Renault and said, as Strom Thurmond said to the Mack Corporation and to Renault, "What do you need to stay in Pennsylvania to keep 1,800 employees?" Oh, we are grateful that we are left with an

international headquarters or that the Bulldog remains, but I think the real test of leadership—and the voters will decide that—will be on how long can we afford because of a lack of leadership to watch 1,800 jobs walk away from any single facility in this Commonwealth.

I listened with great interest to the senior Senator from Delaware County, and I want to say that I appreciate the insight of his remarks. I, for one, will join with the gentleman as much as my schedule permits in participating in that process. There are two seasons that kickoff here, Mr. President. One, a new and exciting gubernatorial season, where we will look very, very seriously at some of the questions of leadership. The other one is very much in the hands of what our jobs and responsibilities are in this state, and that is a budget. I think some of the reaction you have seen from this side, the Majority Leader and others, is not so much on the substance of what was presented today, but maybe it was on the style. I do not think all is right in Pennsylvania, and the great flowery message that was given today just triggered a chord in me which said somebody had to stand up and say this thing is not as rosy and happy as even the outgoing Governor Dick Thornburgh would like us to think. Where he deserves credit, I hope I am man enough, Senator enough, to stand up and give that credit. But, I think there are problems, and I think it was entirely too optimistic and rosy of a picture that was presented for the people of this Commonwealth in a budget address. We have plenty of opportunity in the weeks and months ahead, as well described by the gentleman from Delaware, Senator Bell, to get down to the reality, the nitty-gritty, of a budget for what is the largest business in Pennsylvania, that happens to be the operation of the State of Pennsylvania, \$18 billion worth of it. I look forward to joining with all of you in that process.

### 1986-87 BUDGET MESSAGE

The PRESIDING OFFICER laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

#### 1986-87 BUDGET MESSAGE OF GOVERNOR DICK THORNBURGH TUESDAY, FEBRUARY 4, 1986

Mr. President, Mr. Speaker and Members of the General Assembly:

I am reminded, on this occasion, of an observation by a renowned American philosopher.

"Those who cannot remember the past," he warned, "are condemned to repeat it."

It has been more than seven years now since together we embarked on a mission I called "Making Pennsylvania Proud Again."

The Pennsylvania of the past had been weakened by policies of overtaxing, overspending and overborrowing; weakened by poor management which squandered too much of our available resources on a bloated bureaucracy instead of using it to provide services to our citizens; weakened by neglect of

roads, bridges, ports and other facilities without which new economic development could never occur; and weakened by an epidemic of public corruption.

Indeed, the mission of making Pennsylvania proud again was tantamount to making Pennsylvania over again.

But, with your help, and that of many dedicated citizens in private as well as public service, this mission has been largely accomplished. Pennsylvania is once again poised for greatness.

We are, and of right ought to be proud, very proud of the Pennsylvania we serve today.

Our pride is back because we restored integrity and self-respect to the governmental process.

Our pride is back because we rediscovered fiscal restraint and financial responsibility as indispensable characteristics of a Commonwealth that works for all of its people.

Our pride is back because we emerged from soaring inflation and a wrenching recession with new confidence, new hope and new ideas for a new and promising future.

It is a future, however, that will depend on what we continue to achieve this year and in the years to come.

Seven years ago, we began to move together to restore fiscal integrity after an era of seemingly endless unmet budgetary deadlines, budgetary fistfights, payless paydays, unpaid bills, wasteful spending and nearly bankrupt transportation and unemployment insurance funds.

We adopted a determined policy of public thrift and private investment as the key to the return of our Keystone State.

Together we enacted balanced budgets on time, we held increases in state spending to below the rate of inflation, we eliminated more than 13,000 unnecessary positions from the state payroll and we identified and eliminated more than \$2.1 billion in wasteful spending.

We cut our state indebtedness by \$386 million, set up a Tax Stabilization Reserve or "rainy day" fund, restored the Unemployment Insurance Fund to firm financial ground and earned the first upgrading of our credit rating in 15 years.

In each of the last two years, we have cut both personal and business taxes, and we have drastically reduced the tax rate for small businesses.

Of this we have a right to be proud.

To secure the progress we have made and to ensure the future we seek, I propose, for the eighth year in a row, that we defy the projected national rate of inflation, by limiting our 1986-87 General Fund spending to a growth rate of only 1.7 percent and that we deposit, on schedule, another \$25 million into our "Rainy Day" account.

I am also proposing that we again cut individual and business taxes.

I recommend that we reduce the personal income tax rate to 2.1 percent, effective July 1, the lowest rate in eight years, providing individuals with \$114 million more of spendable income annually.

And I propose that we cut the corporate net income tax by another 11 percent to 8.5 percent, effective next January 1, the lowest rate in 18 years. This will permit businesses to

retain an additional \$23 million next year and more than \$100 million each year after full implementation.

For small businesses, I recommend exempting from capital stock and franchise tax liability the first \$25,000 of valuation, freeing up another \$4.5 million annually for these enterprises.

This will bring our total tax reduction package to \$1.1 billion over a three-year period, dollars available for business investment and consumer spending.

Seven years ago, we confronted a faltering economy overly committed to traditional heavy industry in an era of economic change.

Together we acted to diversify our economy and improve our business climate.

In addition to tax cuts, we phased out the prepayment of corporate income taxes, provided special tax credits for our ailing steel industry and provided a tax incentive to spur our budding computer software industry.

And we did not stop with taxes. We quadrupled funding for the Pennsylvania Industrial Development Authority, which has since provided more than \$370 million to capital projects across the state, increasingly targeted to small business, advanced technology firms and areas of high unemployment.

We forged a working coalition of business, government and the academic community into the Ben Franklin Partnership, which has nurtured a \$1 million "seed grant" into an investment of \$217 million in public and private funds, assisting nearly 500 advanced technology firms in the creation or retention of more than 3,500 jobs.

The Partnership was described in this month's edition of *Venture Magazine* as the nation's "most ambitious and imitated effort to spur technological innovation."

We expanded our exports, and we launched one of the most successful travel and tourism promotional campaigns in the country with our "You've Got a Friend in Pennsylvania" slogan, which has helped sustain an \$8 billion industry employing nearly 200,000 persons.

We enacted over 50 pieces of legislation designed to aid and support our agricultural and agribusiness economy and to help preserve the family farm.

Together we created a \$190 million Pennsylvania Economic Revitalization Fund. Our economic development strategy has been called "the state of the art in...older industrial states," by Neal Peirce, a nationally recognized authority on state and local issues.

And it is a strategy that is working.

More Pennsylvanians were on the job last year than at any time in our history.

There are 437,000 more Pennsylvanians working today than during the depths of the recession three years ago, and our 1985 unemployment rate was the lowest in five years.

Our rate of new business formation is more than twice the national average and we are among the nation's leaders in both new manufacturing starts and growth in electronics and advanced technology.

When the U.S. Department of Labor recently listed the 10 areas of highest unemployment in America, Texas had three, California had three, while Pennsylvania had only one.

We also have seen no less than a 150-fold increase in the dollar amount of state contracts awarded to minority businesses since 1979.

Of this we all have a right to be proud.

To secure the economic progress we have made and the economic promise we seek, I recommend that we continue, supplement and, in some cases, fine tune the successful initiatives which have contributed to our impressive economic turnaround.

I recommend we increase our appropriation to the Ben Franklin Partnership by 25 percent, to a total of \$28 million.

I recommend that we provide \$6 million over three years for the joint venture Supercomputer Center in Pittsburgh to complement the \$104 million Defense Department's Software Engineering Institute, which we successfully secured in nationwide competition with other states.

I recommend that we appropriate \$10 million over three years in support of Lehigh University's development of a research park at Bethlehem Steel's Homer Research Laboratory.

I recommend we increase our commitment to \$2 million for the Harmarville Research Center in Allegheny County and continue our \$2 million commitment to the Jones & Laughlin Industrial Park in Pittsburgh.

I recommend that we provide \$5 million in "bricks and mortar" assistance to other advanced technology facilities and engineering research centers throughout the state.

I recommend a 25 percent increase, to \$15 million a year, to the Pennsylvania Industrial Development Authority.

I recommend we increase by 60 percent, to \$8.1 million, our promotional efforts for travel and tourism and for economic development, and raise to \$4.8 million our support for local tourist promotion agencies.

To support our designation of 1986 as "The Year of the Exporter," I ask that our capital loan fund be "freed up" to permit as much as \$6.6 million to be used in export-related activities, that a new \$300,000 agricultural export program be initiated and that more than \$400,000 in support personnel and technical assistance be supplied to small and mid-sized businesses and local development districts to help potential Pennsylvania exporters overcome barriers of distance, language, custom and currency in selling Pennsylvania products and services abroad.

And to deal with the needs of communities with stubborn high unemployment, I am proposing a "Renaissance Communities Program" which can target nearly \$100 million in present and proposed aid and assistance to areas such as the Monongahela, Beaver and Shenango Valleys in Western Pennsylvania and other "special needs" communities around the state. This program will provide planning and marketing capabilities, reduce matching requirements for state programs and retarget our economic revitalization fund to further foster grassroots programs for economic renewal.

Seven years ago, we faced an infrastructure that had been neglected and was decaying, and a PennDOT that was fiscally bankrupt and riddled with corruption.

Together we embarked upon one of the most ambitious and successful rebuilding programs in America.

We provided the necessary state funding to bring PennDOT from last in the nation to first in the draw-down of federal highway funds, earning it the designation by the prestigious Engineering News Record as "one of the best-managed—and financed—public works agencies in the nation." Last year, for the first time in the state's history, more than \$1 billion in highway contracts were awarded. We completed "missing links" on Interstate 95 in the east and the Allegheny Valley Expressway in the west and are working on completing Route 220, building the Blue Route and rebuilding the Schuylkill Expressway.

Our \$1.4 billion bridge program is repairing and rebuilding nearly 1,000 state and local bridges.

We have rebuilt a coal pier in Philadelphia and our energy development authority is helping the hard coal region to use long-abandoned culm banks as a new energy source.

We have committed \$357 million for mass transit capital projects and established a \$300 million loan fund for water facilities improvements.

And we are embarking on a \$4 billion program of improving and expanding the Pennsylvania Turnpike.

Highway and bridge projects alone will generate an estimated 100,000 building trades and related jobs annually over the next decade.

Of this we can all be proud.

To secure the progress we have made and the future we seek, I propose we continue our highway improvement program this year and launch a second billion-dollar bridge program to repair and rebuild another 2,000 state and local bridges.

I recommend that we dedicate \$50 million over the next four years toward construction of a new Midfield Terminal at the Greater Pittsburgh International Airport and that we provide \$70 million in capital funds for the construction of the Southern Expressway to improve access to the airport.

I recommend that we follow through on our commitment to the development of a world class convention center in Philadelphia, which can create thousands of future jobs and produce millions of dollars in revenue to aid all of the citizens of Pennsylvania.

I recommend that we set aside more than \$70 million in capital budget authorizations over the next four years for flood control projects in Tamaqua, Lock Haven, Pittsburgh, Harrisburg and Luzerne County, and that we set aside \$9.1 million for erosion control at Presque Isle State Park in Erie.

Seven years ago, we faced together a declining quality of life in many of our communities, as a result of environmental hazards, neighborhood blight and an increasing crime rate.

In response, we moved quickly to attack those hazardous waste sites identified under the federal Superfund program, negotiated a low-level nuclear waste compact and initiated an unprecedented number of environmental enforcement actions.

We created an Enterprise Zone program to target assistance to those communities most in need, a program which has resulted thus far in \$197 million in private investment in these 27 communities around the state.

We enacted minimum mandatory sentences for criminals using firearms in the commission of crimes, invoked tough new standards for commutations and pardons and committed \$230 million for prison expansion to add 3,000 new cells—all of which contributed to the 18 percent drop in serious crime we have witnessed the past four years.

Our additional expenditures on the arts, for libraries, for parks and for recreation have contributed to putting both Pittsburgh and Philadelphia on the list of the five most livable cities in the country.

Of this we can all surely be proud.

To secure the successful improvements in our quality of life and the future we seek, I recommend a 25 percent increase in funding to our enterprise zones and the expansion of our local tax abatement program to foster additional local investment and growth.

I also recommend:

That we provide \$4.3 million this year to launch a new 20-year, \$100 million strip mine reclamation program, financed in part with increased mining permit fees and affecting nearly 15,000 acres of abandoned sites.

That you approve the \$250 million, self-supporting solid waste plan I proposed last October to encourage counties to develop environmentally sound plans to recycle and dispose of solid waste.

That we increase the allocation for the cleanup of hazardous and toxic wastes by 12 percent, including \$5 million in state funds to qualify for another \$45 million in federal Superfund money.

That we appropriate \$1.2 million to continue testing for radon gas in the Reading Prong.

That we sustain our commitment to radiation cleanup on Three Mile Island with the fifth of six annual \$5 million contributions.

That we continue our commitment to the Pennsylvania Conservation Corps with a \$3 million appropriation targeted to help youth in high unemployment communities.

That we increase our support to mass transit to \$288 million, which is more than twice the amount it was seven years ago.

That we increase funds for local libraries to \$21 million, for arts organizations to \$7 million and for museums to \$3 million.

To encourage comprehensive local tax reform, I also propose the closing of loopholes in realty transfer taxes which could increase local revenues by as much as \$20 million.

To further secure the first civil right of every Pennsylvanian—the right to a safe place to live and work—I also recommend that you enact legislation to target and remove from our streets that small group of violent juvenile offenders who studies show committed an excessively high percentage of serious street crime. There is nothing juvenile about the bur-

glaries, robberies, rapes and murders perpetrated by these offenders.

I again urge that we amend the state Constitution to allow merit selection of appellate court judges, and to provide greater public accountability and higher standards of conduct for Pennsylvania judges.

I also urge you to approve this year a 13 percent increase in corrections funding to help staff our expanding prison capacity, a 5 percent increase in funding to continue impressive gains already made in professionalizing the Pennsylvania State Police and increased funding for the attorney general's office.

Seven years ago, we confronted a welfare system that was out of control and a health care system with costs growing at far more than the national inflation rate.

Welfare benefits had not been increased for those truly in need during five years of brutal inflation, while thousands of able-bodied employable persons were receiving full cash welfare payments with little prospect for integration into the work force.

With 5 percent of the nation's population, Pennsylvania had nearly 20 percent of the nation's general assistance recipients.

I proposed and then you passed welfare reform legislation that has enabled us to begin to phase able-bodied adults off the general assistance rolls and to better target available resources to those who are in far greater need. Just last month, in fact, we delivered another 5 percent raise in state assistance to needy Pennsylvanians, bringing cumulative increases during the past seven years to 25 percent.

Perhaps of even greater significance, we have broken the cycle of welfare dependency for nearly 200,000 former recipients who have found jobs.

And we created unique mortgage assistance and health insurance programs for those remaining unemployed.

In the health care field, we have succeeded in cutting approximately \$400 million annually off our publicly funded health care bill, without sacrificing quality of care.

We can all be proud of this record.

To sustain our efforts and secure the future we seek, I also recommend that we commit this year \$576 million for public welfare cash assistance, and some \$800 million for the food and nutrition programs which are carried out by six different state agencies, including funds for the surplus food program to ensure that Pennsylvania remains among the leading states in distribution of these products. Last week we ordered 87 more truckloads of commodities which had been turned down by our neighboring states.

I am also recommending that we allocate over the next five years about \$142 million in oil overcharge funds we expect to receive into weatherization and other programs to help low- and moderate-income persons reduce their energy bills.

I recommend that we again appropriate \$2 million to provide additional "bridge" housing for the homeless, and that we provide increased funding for domestic violence and rape crisis centers across the state.

I also urge passage of the Health Care Cost Containment legislation I proposed last fall, which would apply to the private sector the lessons we have learned in implementing prospective payment plans, minimum co-payment requirements and the preventative care approach of Health Maintenance Organizations and similar groups so that no Pennsylvania citizen need worry about being "priced out" of the health care market.

And, based on Lieutenant Governor Scranton's recommendation in our ongoing "Human Services Choices for Pennsylvanians" study, I recommend that we increase our commitment in this area by more than \$12 million to deal with such special programs as suicide and pregnancy among teen-agers, early-intervention, child abuse and programs for high school dropouts and the chronically unemployed.

Seven years ago, we found too many students ill-equipped and too many workers ill-trained to meet the challenges and opportunities of a new world with a changing economy.

Together, we enacted our nationally recognized "Turning the Tide" program to improve school programs from kindergarten to 12th grade and we have consistently increased education funding. More than 50 percent of the General Fund budget I present today is for educational programs, with 58 cents of every "new" dollar for ongoing programs being devoted to education.

We have given cash awards to our best teachers, and created new governor's schools in science and technology and in international relations for our most gifted high school students.

We created the State System of Higher Education and have adopted guidelines for more equitable funding of our institutions of higher learning.

We have instituted and expanded the Customized Job Training Program (CJT) to complement the federally funded Job Training Partnership Act (JTPA) so that our workers receive the proper training they need and are guaranteed a job at the end of the training program. This CJT program has resulted in the creation or retention of 17,000 jobs to date.

Of these efforts we can be proud.

To secure our progress and the future we seek in education and job training, I recommend a 4 percent increase, to a total of \$2.1 billion, in our basic instructional subsidy next year; a 4 percent increase, to \$672 million, in our appropriations for higher education, and a 16.5 percent increase, to \$110 million, in the scholarship programs of our Pennsylvania Higher Education Assistance Agency.

I recommend that \$38 million be spent for remedial instruction for those students found through the TELLs testing program in the third-, fifth- and eighth-grades to be in need of special assistance.

I recommend that \$8 million be appropriated for a statewide "Excellence in Teaching" program in our public schools. If we are to achieve excellence, we must recognize and reward it. It makes no sense when the very best of our teachers cannot earn a single extra dollar for superior work in the classroom.

I recommend that money be appropriated, \$1 million next year, to establish an adult literacy program and \$2.4 million next year be set aside to fund the state's interlibrary access program—two programs which continue to be as worthy of your support as they were when I proposed them last year.

I recommend we establish a new governor's school on agriculture at Penn State and explore the creation of a governor's school for business at the Wharton School of the University of Pennsylvania.

I also recommend that we set aside an \$8 million scholarship fund for the growing number of part-time, working students, that a \$1 million merit scholarship fund for our best college students be established and that we add another \$1 million to fund "Chairs of Excellence" at state universities.

Further, I recommend enactment of the vocational education reforms I proposed last fall to place these programs more in tune with the real needs of our employers, together with a 5 percent increase, to \$34.8 million, in our state support for vocational education.

I am recommending a 25 percent increase, to a total of \$15 million next year, to expand our Customized Job Training program and that we increase our appropriations for state matching funds under the JTPA program by more than 13 percent, a figure which will provide more than \$200 million in state and federal job training funding next year.

And finally, I recommend once again that you provide an additional \$150 million for state-of-the-art science and engineering equipment in our schools by abolishing our state liquor monopoly and selling its assets to private enterprise where this business belongs.

Seven years ago, we found other Pennsylvanians with special needs, including an aging population that was the second highest in the country.

Together, through the financial resources of the nation's most successful state lottery, we have provided a record amount of aid to those senior citizens, nearly double the assistance provided by any other state.

We are providing transportation, prescription and nursing home assistance, as well as property tax and rent rebate checks and other payments to senior citizens to help them pay their energy bills and to provide for their special needs.

We can be proud of these programs.

To preserve these programs and the future security we seek for these citizens, I propose this year that we bring to a record total of more than \$1 billion the total funding we provide to senior citizen programs.

In a state where one out of seven citizens is a veteran, we also found too little attention paid to their needs seven years ago. Our existing veterans homes were inadequate and in disrepair. There was no home for veterans in the southeastern region of the state. The special needs of Vietnam veterans, in particular, were not being adequately addressed.

Together, we acted to undertake substantial programs for these persons who had sacrificed so much for us. We made substantial renovations and expanded our two existing nursing homes, and have provided the necessary funding to

open a third veterans home in suburban Philadelphia this year.

We established the first statewide network of community based veterans outreach and assistance centers to provide veteran-to-veteran counseling on employment, medical, social and other problems. And we have undertaken the most extensive ongoing state research program in the nation for those who may have been exposed to the toxic herbicide Agent Orange.

Of these actions we can be proud.

To secure our successful program improvements for veterans, I recommend that we continue our commitment to the Veterans Assistance program, to our Veterans Outreach and Assistance Centers and to our Vietnam Herbicides Information Commission.

I am also pleased to be able to recommend, as well, that we allocate \$1.9 million for the first year of operation of our third veterans home.

Seven years ago, we also found too many of our citizens with mental retardation and mental illness put away in distant hospitals and institutions without the company and care of friends and neighbors.

During the past seven years, we have moved more than 3,700 patients with mental illness and more than 2,500 with mental retardation out of state hospitals and institutions and into community and family-based living arrangements.

We have reduced the institutional population by 31 percent and increased by \$176 million support for the kind of care that can only be offered in the company of family, friends and community.

To secure our advances in these areas and the future we seek, I propose that we substantially accelerate the process of moving the mentally ill and mentally retarded into community facilities.

I therefore recommend that we provide an additional \$10 million for community-based care of citizens with mental illness. For our mentally retarded citizens, for whom Ginny and I share a special concern, I recommend that we launch a \$243 million effort this year aimed at placing an additional 5,000 citizens with mental retardation into community residential programs by 1991.

Now, Mr. President, Mr. Speaker and Members of the General Assembly, let me share something with you, just one more time, in closing:

I happen to believe that no job is worth having if there isn't real work to be done, and this is why we are here today. In my seven years as steward for the people, I have derived pride and satisfaction from what we have been able to do, with your counsel and help, to improve our Commonwealth and the lot of our citizens. We may not always have agreed on the means, but surely we have agreed on the ends; that is, to do our best with dignity, dedication and hard work to meet the needs of our people in our times.

For all of the distance we have traveled together—from the way we were to the way we are, we have a right to be proud, but not complacent. We must remain open to new ideas to

meet the new challenges and opportunities of a changing world.

Together we have come far in pursuit of our dreams, but let it never be said that we are satisfied with anything less than the best—and not just for seven years, or eight years, or even eighty years—but for as long as there exists, in this great country of ours, a special place and special people called by the name of Pennsylvania.

Thank you.

## HOUSE MESSAGES

### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 370, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 370**, and has appointed Messrs. SALOOM, CAWLEY and SNYDER as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 655, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 655**, and has appointed Messrs. MANDERINO, PIEVSKY and RYAN as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 801**.

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly Adjournment.

## BILLS INTRODUCED AND REFERRED

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

February 4, 1986

Senator SHUMAKER presented to the Chair **SB 1361**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for the appointment of assistant county solicitors and special counsel.

Which was committed to the Committee on LOCAL GOVERNMENT, February 4, 1986.

Senators GREENLEAF, FISHER, HELFRICK, HOWARD, PECORA, SALVATORE, SHUMAKER and BELL presented to the Chair **SB 1362**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for prohibited martial arts weapons.

Which was committed to the Committee on JUDICIARY, February 4, 1986.

Senators BELL, LYNCH, MOORE, MUSTO, PECORA, LEMMOND, KRATZER and SHUMAKER presented to the Chair **SB 1363**, entitled:

An Act authorizing the Department of Military Affairs to establish and maintain an additional home for military veterans.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 4, 1986.

Senators RHOADES, MELLOW, SALVATORE and MUSTO presented to the Chair **SB 1364**, entitled:

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

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 4, 1986.

Senators PECORA, SHUMAKER and SALVATORE presented to the Chair **SB 1365**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the reinstatement of certain former members of the police force.

Which was committed to the Committee on LABOR AND INDUSTRY, February 4, 1986.

Senators PECORA, ANDREZESKI, FISHER, CORMAN, LEWIS and ROCKS presented to the Chair **SB 1366**, entitled:

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), entitled "Goods and Services Installment Sales Act," providing that sellers cannot charge or collect a credit card surcharge.

Which was committed to the Committee on BANKING AND INSURANCE, February 4, 1986.

Senators SHUMAKER, BELL, SCANLON, HELFRICK, LYNCH, PECORA, STAPLETON, FUMO, O'PAKE, REIBMAN, SALVATORE, FISHER, CORMAN, RHOADES, SHAFFER, MELLOW, STOUT, MUSTO and KRATZER presented to the Chair **SB 1367**, entitled:

An Act creating the Pennsylvania Veterans Memorial Commission; prescribing duties; establishing a fund; and making a general repeal.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 4, 1986.

Senators SHUMAKER, BELL, SCANLON, HELFRICK, LYNCH, PECORA, STAPLETON, O'PAKE, REIBMAN, SALVATORE, FISHER, CORMAN, RHOADES, SHAFFER, MELLOW, STOUT, MUSTO and KRATZER presented to the Chair **SB 1368**, entitled:

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 pension offsets for certain veterans.

Which was committed to the Committee on LABOR AND INDUSTRY, February 4, 1986.

### RESOLUTION INTRODUCED AND REFERRED

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

February 4, 1986

#### RECOGNIZING THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY FOR ITS ROLE IN THE DEVELOPMENT OF RURAL LEADERSHIP

Senators LEMMOND and CORMAN offered the following resolution (**Senate Concurrent Resolution No. 123**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 4, 1986.

#### A CONCURRENT RESOLUTION

Recognizing the Board of Trustees of The Pennsylvania State University for its role in the development of rural leadership.

WHEREAS, Rural America is in a period of difficult transition and needs leaders that can take the positive initiative; and

WHEREAS, These leaders must have the necessary skills and abilities to seize the initiative and take advantage of those opportunities which are disguised as problems; and

WHEREAS, The Pennsylvania State University has recognized the need for the development of Rural Leadership; and

WHEREAS, The Pennsylvania State University through its foresight has created Rural Leadership, Inc., known as Rule, Inc., to develop leaders for the Commonwealth of Pennsylvania; and

WHEREAS, After two years of planning by a volunteer Board of Directors, a program has been established; and

WHEREAS, The Rule, Inc., program has become operational and now twenty-six Pennsylvanians from all walks of life are participating in the program to create a greater corps of leadership for the Commonwealth; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly commend the Board of Trustees of The Pennsylvania State University, its President, Bryce Jordan, and the volunteers who comprise the Rule, Inc., Board of Directors and their Executive Director for undertaking this work and making a positive contribution to the citizens of this Commonwealth; and be it further

RESOLVED, That a copy of this resolution be sent to each member of the Board of Trustees of The Pennsylvania State University and its President, Bryce Jordan.

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 1073**

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators CORMAN, BRIGHTBILL and MELLOW as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to House Bill No. 1073.

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

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

**BILLS SIGNED**

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

**HB 801 and 1181.**

**The PRESIDING OFFICER (F. Joseph Loeper) in the Chair.**

**PETITIONS AND REMONSTRANCES**

**Continued**

Senator STAUFFER. Mr. President, I would ask that we return to the order of business of petitions and remonstrances, and that you recognize the gentleman from Lehigh, Senator Kratzer, please.

The PRESIDING OFFICER. Without objection, the Chair returns to the order of business of petitions and remonstrances.

Senator KRATZER. Mr. President, here in our budgetary deliberations, as an aftermath of the Governor's presentation, of course, I did not directly recognize that we would be enjoying this colloquy on Mack Truck. However, since the subject has been raised in a number of quarters, I would like to emphasize at this point that quite obviously the Mack Truck situation most directly impacts on my district more than any other Senatorial district in the Commonwealth of Pennsylvania. I would like to add for the record that over quite a period of time there has been a number of discussions on this very subject, everyone from the local government to the state government, certainly the federal government, the business leaders and the leaders of the affected union. Certainly, many interested parties in our community have had all kinds of dialogue on this subject. I think now at this juncture rather than cast aspersions to one individual or to one party or one aggregate entity or another, it seems to me to be a bit more useful to now recognize the situation we are in, and in many ways it has been beyond the control of all of the aforementioned entities. I do not think in anything as complex and as predetermined as that subject, that we can easily single out blame and place it here or there or elsewhere. I think we are now faced with the

very monumental task of retraining, of refitting situations. Certainly, the concern for the individual worker at Mack Truck is one of tantamount concern. I know, in personally participating in some of the meetings involved, where we were directly involved, of the concern expressed by the Administration. I have talked particularly with Secretary Pickard on that very subject of some of the possibilities and some of the options. Although it seems to me, and certainly in listening to the dialogue here on the floor of the Senate this afternoon, that there are so many multi-faceted aspects of this situation that I think one carries a great risk in oversimplifying it as I have heard some of the characterizations this afternoon. I certainly want everyone to recognize that when it comes to Mack Truck, certainly no one is more concerned here than the government of Allentown, and certainly all of the individuals in my district, not only the Allentown plant but the Macungie plant and, of course, this much wanted world headquarters that we are speaking of as well.

I thank my colleagues of the Senate and the Chair for this opportunity to express a bit of my perspective on that very problematic subject.

**ADJOURNMENT**

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Wednesday, February 5, 1986, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:20 p.m., Eastern Standard Time.