

LEGISLATIVE JOURNAL

TUESDAY, JUNE 17, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 42

SENATE

TUESDAY, June 17, 1986.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, the Reverend Mr. DAVID B. DRAW-BAUGH, Pastor of Wesley United Methodist Church, Mont Alto, offered the following prayer:

O Lord, our Heavenly Father, who by Thy blessed Son hast taught us that Thou art love, we beseech Thee graciously to bless all those who, following in His steps, give themselves to the service of their fellow human beings. Grant unto them clear vision to perceive those things which in our social order are amiss. Give them true judgment, courage and perseverance to help those who suffer wrong, and endue them with unflinching love to minister to the poor, the suffering and the friendless. Make us aware of our kinship, one with another as Thy children, that we may strive wisely to order all things according to Thy will.

O God, great governor of all the world, we pray for all who hold public office and power, for the life, welfare and virtue of the people who are in their hands. Strengthen the sense of duty in our political life. Grant that the servants of the state may feel ever more deeply that any diversion of their public powers for private ends is a betrayal of their country. Purge our cities, states and nation of the deep causes of corruption which has so often made sin profitable and uprightness hard. Breathe a new spirit into our nation and our state. Give us leaders with new visions and set their hearts on fire with large resolves. Raise up a new generation of public men and women with the faith and daring of the kingdom of God in their hearts, who will enlist for life in a holy warfare for freedom and the rights of all Your people.

O Lord, Almighty God, give to our leaders here today in the Senate vision of truth and justice, that by their counsel all peoples may work together in true brotherhood and may serve Thee in unity and peace. In the name of our God and our Father. Amen.

JOURNAL APPROVED

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

REPORTS FROM COMMITTEES

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

SB 1218 (Pr. No. 1576)

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," providing for election district amendments.

SB 1371 (Pr. No. 1835)

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," adding a retirement board member.

HB 35 (Pr. No. 3695) (Amended)

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," providing for refunds for errors in assessments.

HB 36 (Pr. No. 3696) (Amended)

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the "Third Class County Assessment Board Law," further providing for election rolls; and providing for refunds for errors in assessments.

HB 39 (Pr. No. 43)

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the "Public Official and Employee Ethics Law," further providing for disposition of penalties.

HB 799 (Pr. No. 1710)

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), referred to as the "Municipal Claim and Tax Lien Law," further providing for redemption in counties of the second class.

HB 1621 (Pr. No. 2569)

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), known as the "County Pension Law," further providing for supplemental benefits.

HB 1790 (Pr. No. 3697) (Amended)

An Act amending the act of July 12, 1972 (P. L. 762, No. 180), referred to as the "Intergovernmental Cooperation Law," providing for additional rights and powers.

**HB 1921 (Pr. No. 2783)**

An Act empowering certain local taxing authorities to provide exemptions from taxation for certain improvements made to certain unimproved residential property.

**HB 2247 (Pr. No. 3087)**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for voting by township supervisors.

**HB 2275 (Pr. No. 3698) (Amended)**

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for civil service examinations and for appeals to the civil service commission.

**HB 2276 (Pr. No. 3494)**

An Act amending the act of May 31, 1974 (P. L. 296, No. 94), entitled "An act providing for the appointment, promotion, reduction in rank, suspension, furlough, discharge and reinstatement of deputy sheriffs in counties of the second class; extending civil service coverage to such deputies; and providing penalties," further providing for civil service examinations and for appeals to the Civil Service Commission.

Senator FISHER, from the Committee on Environmental Resources and Energy, reported the following bills:

**SB 1420 (Pr. No. 2237) (Amended)**

An Act providing for licensing, permitting and other requirements for the land disposal of sewage sludge.

**SB 1445 (Pr. No. 2238) (Amended)**

An Act amending the act of March 1, 1974 (P. L. 90, No. 24), entitled "Pennsylvania Pesticide Control Act of 1973," further providing for licensing of commercial applicator firms, for licensing and certification of commercial applicators and public applicators, for registration and training of certain noncertified employees, for increased recordkeeping requirements, for additional enforcement authority and additional authority on product registration data review, and for increase of fees.

Senator HOWARD, from the Committee on Finance, reported the following bills:

**SB 1308 (Pr. No. 2239) (Amended)**

An Act amending the act of May 12, 1943 (P. L. 259, No. 120), entitled, as reenacted and amended, "Foreign Casualty Insurance Premium Tax Allocation Law," further providing for the return of unused moneys; and repealing provisions relating to payments to municipalities.

**HB 146 (Pr. No. 3690) (Amended)**

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

**HB 233 (Pr. No. 3691) (Amended)**

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), further providing for agreements with other states with reference to the income tax; and providing for the exclusion of construction of hydroelectric generating facilities from the tax on utilities.

**GENERAL COMMUNICATION**

**DISCHARGE PETITION**

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

In the Senate, June 17, 1986.

**A PETITION**

To place before the Senate the nomination of Charles P. Eyer, Esq., as a District Justice in and for the County of Monroe.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Charles P. Eyer, Esq., East Stroudsburg, Pennsylvania, as a District Justice in and for the County of Monroe, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Edward P. Zemprelli  
J. William Lincoln  
Robert J. Mellow  
James E. Ross  
Francis J. Lynch

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

**LEGISLATIVE LEAVES**

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Fumo and Senator Zemprelli and a legislative leave for the day for Senator Lewis.

The PRESIDENT. Are there any objections to Capitol leaves for Senator Fumo and Senator Zemprelli and legislative leave for Senator Lewis? The Chair hears none. Those leaves are granted.

**LEAVE OF ABSENCE**

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

**CALENDAR**

**SB 1163 CALLED UP OUT OF ORDER**

**SB 1163 (Pr. No. 1467)** — 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**

**SB 1163 (Pr. No. 1467)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for eligibility for tuition credits.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the return to the floor of Senator Fumo whose Capitol leave will be cancelled.

And the question recurring,  
Shall the bill pass finally?

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

#### YEAS—49

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

#### 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.

#### LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Hankins and Senator Andrezski.

The PRESIDENT. Are there any objections to Capitol leaves for Senator Hankins and Senator Andrezski? The Chair hears no objection. Those leaves are granted.

#### GUESTS OF SENATOR NOAH W. WENGER PRESENTED TO SENATE

Senator WENGER. Mr. President, it is my pleasure to introduce to the Senate some very distinguished individuals from my district in Upper Leacock Township, Lancaster County, Bob and Jean Brenneman and their son, Steve.

The PRESIDENT. Would Senator Wenger's guests please rise so the Senate may give you its traditional warm welcome. (Applause.)

#### RECESS

Senator STAUFFER. Mr. President, at this time I request a recess of the Senate for purposes, first, of a meeting of the Committee on Banking and Insurance which will take place immediately, followed by a Republican caucus to convene at approximately 2:00 p.m. There will be a call in that regard.

Senator LINCOLN. Mr. President, before I make any announcement of the plans of the Democratic caucus, would the Majority Leader submit to a brief interrogation?

The PRESIDENT. Will the Majority Leader agree to be interrogated?

Senator STAUFFER. I will, Mr. President.

Senator LINCOLN. Mr. President, can the gentleman give the Democratic Members of the Senate some idea as to what length of time we will be out and when we can expect to be back in Session?

Senator STAUFFER. Mr. President, I would expect that we would return to the floor at about 3:30 p.m.

Senator LINCOLN. Mr. President, I would request that the Members of the Democratic caucus be prepared to caucus after the Committee on Banking and Insurance has its meeting, which I would suspect will probably be around 2:00 o'clock, I would think.

The PRESIDENT. For purposes of a meeting of the Committee on Banking and Insurance to be followed by Republican and Democratic caucuses, the Chair declares the Senate in recess.

#### AFTER RECESS

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

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

#### HOUSE MESSAGE

#### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Report of Committee of Conference on SB 655.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator Hankins on the floor and his temporary Capitol leave is cancelled.

#### LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I 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

#### HB 258 CALLED UP OUT OF ORDER

HB 258 (Pr. No. 3671) — Without objection, the bill was called up out of order, from page 3 of the Third Consider-

ation Calendar, by Senator STAUFFER, as a Special Order of Business.

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

**HB 258 (Pr. No. 3671)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, adding provisions to allow limited construction work in progress for coal plants; and providing for retirement of electric generating units.

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 O'PAKE. Mr. President, I would like to change my vote from "no" to "aye."

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

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

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

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

**YEAS—48**

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

**NAYS—1**

Andrezeski

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

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

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Andrezeski and his temporary Capitol leave will be cancelled. Senator Zemprelli and Senator Lincoln are now back on the floor and their Capitol leaves will all be cancelled.

**CONSIDERATION OF CALENDAR RESUMED**

**SB 180 CALLED UP OUT OF ORDER**

**SB 180 (Pr. No. 2234)** — Without objection, the bill was called up out of order, from page 1 of the Calendar, under Bill on Concurrence in House Amendments as Amended by the Senate, by Senator STAUFFER, as a Special Order of Business.

**SENATE NONCONCURS IN HOUSE AMENDMENTS  
AS AMENDED BY THE SENATE**

**SB 180 (Pr. No. 2234)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," adding and changing definitions relating to crime victims' compensation; further providing for eligibility for crime victims' compensation and for awards; providing for the responsibilities of providers of service to crime victims; further providing for the allocation of certain funds; extending the limitations period for the filing of claims for crimes' victims compensation by child victims; authorizing certain Statewide employee organizations to submit reports with the Secretary of Labor and Industry; imposing penalties for failing to file certain information; providing for fair share fee agreements for certain Commonwealth and school employees; and making repeals.

Senator PECORA. Mr. President, I move the Senate do concur in the amendments made by the House as amended by the Senate to Senate Bill No. 180.

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

**MOTION FOR BILL OVER IN ORDER**

Senator ZEMPRELLI. Mr. President, I would move that the Senate go over Senate Bill No. 180, Printer's No. 2234.

The PRESIDENT pro tempore. Senator Zemprelli has moved that the Senate go over Senate Bill No. 180. That takes precedence.

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

Senator STAUFFER. Mr. President, I recognize that the gentleman's motion takes precedence, and I would ask for a negative vote on the motion.

Senator ZEMPRELLI. Mr. President, there is no secret that the bill we are dealing with deals with agency shop. Several weeks ago a procedural motion was made here that, had it not carried, possibly we would have agency shop as set forth in Senate Bill No. 180. It would seem to me the gentleman's motion is designed to frustrate the purpose of this bill, and once having heard the motion being made, I think it is about time we quit playing games and afford to the people of the Commonwealth of Pennsylvania that are covered by this bill the opportunity of agency shop. It is just not quite fair for the labor unions to represent people and acquire benefits for them and for all of them not to participate. For that reason, Mr. President, I would request that we go over Senate Bill No. 180, and I would move such, and I would ask for an affirma-

tive vote so that we could have a full Senate here at the time this matter is being considered.

Senator STAUFFER. Mr. President, may we be at ease?

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

(The Senate was at ease.)

The PRESIDENT pro tempore. The motion before the Body made by Senator Zemprelli is that Senate Bill No. 180 go over in its order. An "aye" vote is for the bill to go over, a "no" vote is to consider the motion by Senator Pecora.

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

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

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

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

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

**YEAS—20**

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

**NAYS—28**

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

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

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House as amended by the Senate?

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

**YEAS—24**

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

**NAYS—24**

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

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

**RECONSIDERATION OF SB 180**

**BILL LAID ON THE TABLE**

Senator ZEMPRELLI. Mr. President, I move to reconsider the vote by which the Senate nonconcurred in House amendments as amended by the Senate.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House as amended by the Senate?

**RECESS**

Senator ZEMPRELLI. Mr. President, I would ask for a very short recess of the Senate for the purpose of a Democratic caucus. I would ask all Members to attend the caucus forthwith in the caucus room.

The PRESIDENT pro tempore. Senator Zemprelli has requested a Democratic caucus immediately in the caucus room at the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

**AFTER RECESS**

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

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House as amended by the Senate?

**MOTION TO LAY BILL ON THE TABLE**

Senator PECORA. Mr. President, I would like to make a motion to table Senate Bill No. 180.

The PRESIDENT pro tempore. Senator Pecora moves to lay Senate Bill No. 180 on the table.

The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 180 will be laid on the table.

**HB 2079 CALLED UP OUT OF ORDER**

**HB 2079 (Pr. No. 3513)** — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AMENDED**

**HB 2079 (Pr. No. 3513)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to game and wildlife; and making conforming amendments to Titles 18, 42 and 75.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

## RHOADES AMENDMENT I

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

Amend Sec. 1 (Sec. 2928), page 153, line 9, by striking out "and properly marked"

Amend Sec. 1 (Sec. 2928), page 153, lines 13 through 15, by striking out "and marked by the" in line 13, all of line 14, and "required or approved by the commission" in line 15

Amend Sec. 1 (Sec. 2930), page 156, lines 24 through 30; page 157, lines 1 through 5, by striking out "The commission may issue permits to" in line 24, all of lines 25 through 30, page 156; lines 1 through 4, and "(d)" in line 5, page 157 and inserting:

No person shall propagate any game bird, wild bird, game animal or wild animal which is presently found in a wild state within this Commonwealth for the purpose of sale, barter, gift or other transfer of possession, or offer to sell or barter, unless that person has first obtained a permit from the commission authorizing the propagation of a game bird, wild bird, game animal or wild animal.

(b) Form.—Each propagating permit shall name the species covered by the permit and shall contain such other information and be in such form as the commission shall designate.

(c)

Amend Sec. 1 (Sec. 2930), page 157, line 14, by striking out all of said line and inserting:

(d) Marking game or wild birds.—No person shall sell, barter, give away or otherwise transfer possession, or offer to sell or barter, any game bird, wild bird, game animal or wild animal

Amend Sec. 1 (Sec. 2930), page 157, line 15, by striking out "shall be" and inserting: unless that game bird, wild bird, game animal or wild animal is

Amend Sec. 1 (Sec. 2930), page 157, line 16, by inserting after "by": any

Amend Sec. 1 (Sec. 2930), page 157, line 16, by inserting after "following": alternative

Amend Sec. 1 (Sec. 2930), page 157, by inserting between lines 21 and 22:

(3) On delivery of any live game bird, wild bird, game animal or wild animal the permittee shall prepare and deliver to the shipper, purchaser or consignee a receipt, detailed invoice or consignment document which shall include the date, name and address of purchaser or person to whom sold or consigned, the quantity, sex and species of the game bird, wild bird, game animal or wild animal and the name, address and permit number of the permittee.

(4) Immediately prior to delivery and removal from the licensed premises of any local game bird, wild bird, game animal or wild animal the permittee shall place the dead wild bird or dead wild animal or part thereof in a package or container, or shall attach thereto a label, which package container or label shall have printed upon it the name, address and permit number of the permittee who produced the wild bird or wild animal, the permittee shall also issue a receipt, detailed invoice or consignment document which shall include the date of shipment or sale, the name of the shipper, purchaser or consignee, the quantity, sex and species of the animal or bird so shipped or sold and the name and address and permit number of the permittee shipping, consigning or selling the wild birds or animals. No dead wild bird or dead wild animal produced under the authority of the propagating permit shall be removed from its package or container or shall have removed from it the label provided for in this paragraph, except immediately prior to final consumption.

Amend Sec. 1 (Sec. 2930), page 157, line 22, by striking out "(3)" and inserting: (5)

Amend Sec. 1 (Sec. 2930), page 157, lines 23 through 25, by striking out all of said lines

Amend Sec. 1 (Sec. 2930), page 157, line 26, by striking out "(g)" and inserting: (e)

Amend Sec. 1 (Sec. 2930), page 158, lines 6 and 7, by striking out "a" in line 6, all of line 7 and inserting: and produce on demand the receipt, invoice or consignment document required under subsections (d) and (f).

Amend Sec. 1 (Sec. 2930), page 158, line 8, by striking out "(h)" and inserting: (f)

Amend Sec. 1 (Sec. 2930), page 158, line 11, by inserting after "receipt": , detailed invoice or consignment document

Amend Sec. 1 (Sec. 2930), page 158, line 15, by inserting after "receipt": , detailed invoice or consignment document

Amend Sec. 1 (Sec. 2930), page 158, line 19, by striking out "(i)" and inserting: (g)

Amend Sec. 1 (Sec. 2930), page 158, line 21, by inserting after "permit": receipt, detailed invoice or consignment document

Amend Sec. 1 (Sec. 2930), page 158, line 24, by striking out "(j)" and inserting: (h)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

## RHOADES AMENDMENT II

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

Amend Sec. 5, page 176, line 20, by striking out "(1)"

Amend Sec. 5, page 176, lines 26 through 30; page 177, line 1, by striking out all of said lines on said pages

Amend Sec. 7, page 178, lines 19 and 20, by striking out all of said lines

Amend Sec. 7, page 178, lines 24 through 26, by striking out all of lines 24 and 25 and "Section 204 and 731" in line 26 and inserting: Section 204

Amend Sec. 7, page 178, line 30; page 179, line 1, by striking out all of said lines on said pages

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

## RHOADES AMENDMENT III

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

Amend Sec. 1 (Sec. 2308), page 81, line 16, by striking out "timbering" and inserting: forest management activities

Amend Sec. 1 (Sec. 2361), page 97, line 9, by inserting after "beavers": without the specific permission of a commission officer

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

RHOADES AMENDMENT IV

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

Amend Sec. 1 (Sec. 302), page 22, line 1, by inserting after "director": , provided that the compensation shall not exceed the salary payable to the Secretary of Environmental Resources

On the question,

Will the Senate agree to the amendment?

Senator RHOADES. Mr. President, this amendment would limit the compensation to be paid to the Director of the Game Commission so that it would not exceed the salary payable to the Secretary of the Department of Environmental Resources. I believe that level is at approximately \$65,000, so that would say the Director of the Game Commission's salary would not go higher than \$65,000. This would also still allow the commission to set that salary up to that particular limit.

Senator LINCOLN. Mr. President, I rise to oppose the amendment. I find it a little bit hard to understand that we would opt over the years not to have anything to do with setting any type of constraints on the budget of the Game Commission. We have had ample opportunities over the years I have been here to come down to where the General Assembly is in control of their budget and audits them in some way, and we have backed off over the years because of opposition by different sportsmen's groups. To say that we have nothing to do whatsoever with running the Game Commission and then ask the Members of the Senate and the House to approve an amendment which would then say that we would have to either approve the salary or we set a limit as to what the salary of the person running that particular entity is, I do not think is sound practice. I think the recodification of the game laws took many years to come about. The recodification has been narrowed down to just a few issues here in the Senate that we disagree with, and I think we would be doing a disservice to not only the Game Commission itself and the administrators of the Game Commission, but also to many men and women in Pennsylvania who avail themselves of the programs the Game Commission operates. I do not think we have the right to equate that particular job to the Secretary of the Department of Environmental Resources or to any other position in state government, because it is unlike any other position. I think we confirm here in the Senate members of the Game Commission who are nominated by the Governor, and we do that knowing they are going to make the decisions on many, many issues that relate to hunting and land management throughout the Commonwealth of Pennsylvania. I think it is something we should not be doing, and I personally do not want to see us go into the area of setting salaries for anyone. I would urge a negative vote on this amendment.

LEGISLATIVE LEAVES

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

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

Senator STAUFFER. Mr. President, I would ask for temporary Capitol leaves for Senator Madigan and Senator Pecora.

The PRESIDENT pro tempore. Senator Stauffer has asked for temporary Capitol leaves for Senator Madigan and Senator Pecora. The Chair hears no objection. The leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator WILT. Mr. President, I think this is a bad precedent to set. We appoint boards and commissions. They are confirmed here in the Senate. They are nominated by the Governor and the needs of whatever the agencies are change from time to time. I really have some strong reservations about inhibiting what it is that we permit boards to do in the carrying out of their daily business. We do not ask any other board to relent and to make this kind of commitment, and I do not know why we should single out the Game Commission for this kind of change. Therefore, I would ask for a negative vote.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair has not taken Senator Lincoln off leave as yet and, obviously, he is here and working and active. We recognize his presence on the floor and his temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the amendment?

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

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

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

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

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

The Chair would like to change his vote from "aye" to "no."

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

YEAS—15

Bell	Howard	Moore	Shumaker
Greenleaf	Kratzer	Pecora	Stauffer
Holl	Loeper	Salvatore	Tilghman
Hopper	Mellow	Shaffer	

NAYS—33

Andrezeski	Helfrick	Lynch	Romanelli
Armstrong	Hess	Madigan	Ross
Bodack	Jones	Musto	Scanlon
Brightbill	Jubelirer	O'Pake	Stapleton



Corman	Kelley	Peterson	Stout
Early	Lemmond	Reibman	Wenger
Fisher	Lewis	Rhoades	Wilt
Fumo	Lincoln	Rocks	Zemprelli
Hankins			

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

And the question recurring,

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

#### RHOADES AMENDMENT V

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

Amend Sec. 1 (Sec. 103), page 18, lines 20 through 30; page 19, lines 1 through 8, by striking out all of said lines on said pages

On the question,

Will the Senate agree to the amendment?

#### LEGISLATIVE LEAVE

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

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Williams. The Chair hears no objection. The leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, I desire to interrogate the sponsor of the amendment, the gentleman from Schuylkill, Senator Rhoades.

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

Senator RHOADES. I will, Mr. President.

Senator LINCOLN. Mr. President, the amendment the gentleman is offering at this particular time, do I understand correctly that all this amendment will do is return House Bill No. 2079 so that it would then concur with what is the present law?

Senator RHOADES. That is correct, Mr. President. What we presently have will then be the law.

Senator LINCOLN. Mr. President, and there will be no grandfathering of anyone in or anything? We are just going back to precisely what the Game Commission operates under right now?

Senator RHOADES. Mr. President, by deleting this particular section, we take out the preemption. There is no grandfathering. Governing would be what exists and what is practiced today.

Senator LINCOLN. Mr. President, I have no problem with the amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### ANDREZESKI AMENDMENT I

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

Amend Sec. 1 (Sec. 2709), page 130, line 29, by striking out "\$50" and inserting: \$30

Amend Sec. 1 (Sec. 2709), page 131, line 14, by striking out "\$50" and inserting: \$30

On the question,

Will the Senate agree to the amendment?

Senator ANDREZESKI. Mr. President, the purpose for my asking for this amendment to be drawn up is a purpose which I feel has been parallel to many attempts that I have had and many attempts that many of my colleagues have had here in the Senate to address some of the more straining proposals or some of the harder facts of life that we face here in Pennsylvania as a state that has a slowly growing population, a population that grows in age more than it grows in numbers. Here in Pennsylvania, the Keystone State, we have a distinction of being blessed with many, many people who have many years of experience. I would like to spend a minute to talk about some of this experience that these people in Pennsylvania have. Starting in the 1930's, there were many individuals in Pennsylvania who saw the need and saw the purpose of coming up with some methods for the control of wildlife propagation. These people were not the farmers who would take an afternoon off to hunt game, these were the individuals who had many times learned from their fathers the art of hunting, and because of the changing economic times, these individuals had moved into the cities and taken up other professions. These individuals, Mr. President, were the ones who helped lay the groundwork for recognizing that so as we take from our lands, we must be prepared to give back. These individuals are the ones who recognize that if we were going to propagate our game lands, if we were going to take from them, we must give back. I speak not just about the game harvest and about all the theories and all the facts of the matter, I would go to the point that if we are to harvest game, it probably adds to the species, it probably adds to the propagation of a sound game stock, but I speak to the fact that these are the individuals who, a generation or two generations ago, helped lay the framework for some of the specific following items.

First of all, these are the individuals who recognized the dignity of a farmer's land. It was unheard of, I am sure, two generations ago to just go out and hunt. These are the individuals who set the pace in saying we owe it to the farmer whose land we think we are on to go and ask him if it would be all right to hunt on his land. These are the individuals who two generations ago would go out and, as they walked through the field, were not the ones who would leave a paper wrapping, but they were the ones who would pick up a paper wrapping. These are the individuals who so carefully and in so much



dedication would take their sons, just as their fathers had taken them, and these are the individuals who would say, let me show you the proper way of going into the forest, the proper way of asking for permission and, yes, the proper way of handling firearms in our forests, in our cities, in our homes, and even how to load them into the car. These are the people I speak of in addressing this amendment. These are the people who, several generations ago, laid the groundwork, and the groundwork that I speak of also includes those who said we who have a commonality, we who have a bond, we have a purpose in helping to propagate our wildlife, helping to maintain the forest, the hunting and the woods of Pennsylvania. We also have another common bond to talk with each other about and that is how best to do this. The people I address with this amendment, Mr. President, are those individuals here in Pennsylvania who, two generations and even three generations ago, were the individuals who got together, first, perhaps at a church meeting, perhaps at a general store, perhaps at a tavern that became busy in a hunting area and had some commonality in the ideas they had and which they helped formulate in some of the hunting associations and some of the hunting clubs and even trapping clubs, for that matter, here in Pennsylvania.

Mr. President, this amendment was specifically drawn up to say, we here in Pennsylvania, the Keystone State—and when I refer to the Keystone State as an aging state, I refer to numbers, age numbers on individuals—have a responsibility. Again referring back to this responsibility, I would like to point out some of the accomplishments over the years.

First of all, if we go back two generations ago, we have the individuals, as I have said, not just those who own the land, not just those who lived in the country, but those who lived in the city who recognized this responsibility. These are the individuals, Mr. President, to whom this amendment is most aimed. As we went through the 1940's and the 1950's and we became more organized in Pennsylvania, certain facts became quite clear. One, we legislatively had to deal with the situations that surround us. Some of these situations that surround us include the addition of many, many more hunters in Pennsylvania. This amendment, Mr. President, is for those people who first addressed this problem and said we need hunter safety courses. The purpose of this amendment, in brief, is to take the senior lifetime resident hunting fee from \$50 to \$30. I would like to, in brief, ask my colleagues here in the Senate to please support this amendment. This is your chance to vote for people. There are those who might stand up and say vote for the animals and vote against this, but I say to you, ladies and gentlemen of this Senate, you have a decision to make here today, and there are two sides to this. There is the animal side and there is the people side. I would like to ask all my colleagues in the Senate to have the courtesy to vote for the people you represent. The people you represent are the senior citizens who have helped maintain these game lands, worked on all the projects, and I think they could use a break. When you retire you usually lose at least half your income. This is a small repayment to those who, over the years, as I said in my

long speech, have given us a lot in the propagation of our game lands. I would like to ask my colleagues here in the Senate again to make that decision to stand up and vote to reduce the senior lifetime license from \$50 to \$30. It is not a big reduction, but I ask them to stand up and vote for the people of their districts and not the animals.

Senator RHOADES. Mr. President, I rise in opposition to the amendment. Last year, I think we all remember, we debated very heartily for the Game Commission license fee increase. They did, at that time, ask for \$15 and we finally settled upon a \$12 fee and established other areas. The Game Commission said, even with that \$12 fee, it would not take them long, in terms of their projection, before they would have to be back again. Part of that package we worked out was a lifetime senior citizen's license set at \$50. We got it from the standpoint of being fair and being practical and, based on that, the Game Commission has projected its revenues plus its operations based on those fees. If we make that change at this particular point, we are then going to disturb that planning. Secondly, there have been a number of senior citizens who have already purchased licenses at \$50. Do we then rebate to them the \$20? I think the important thing is that we preserve the integrity of the Game Commission fund and plan which we had enacted for them last year in the legislation which we passed.

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

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

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

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

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

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

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

#### YEAS—24

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

#### NAYS—25

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

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

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

ANDREZESKI AMENDMENT II

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

Amend Sec. (Sec. 2709), page 130, line 28, by striking out "\$10" and inserting: \$7.50

Amend Sec. (Sec. 2709), page 131, line 13, by striking out "\$10" and inserting: \$7.50

On the question,

Will the Senate agree to the amendment?

Senator ANDREZESKI. Mr. President, the purpose of this amendment is to reduce the senior resident hunting license from \$10.00 to \$7.50. As I stated before, I would reiterate and simply conclude by saying I would like to ask my colleagues to please consider voting for their constituents and not the animals.

Senator RHOADES. Mr. President, I rise in opposition to the amendment for the same reasons I listed in the last amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—24

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

NAYS—25

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

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

The PRESIDENT pro tempore. House Bill No. 2079 will go over, as amended.

SB 1447 CALLED UP OUT OF ORDER

SB 1447 (Pr. No. 1977) — 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.

PREFERRED APPROPRIATION BILL  
ON THIRD CONSIDERATION AMENDED

SB 1447 (Pr. No. 1977) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing appropriations required from the Motor License Fund for the fiscal year July 1, 1986, to June 30, 1987, for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2, page 2, line 8, by striking out all of said line and inserting:

services..... \$20,901,000

Amend Sec. 2, page 2, by inserting between lines 21 and 22:

For supplemental maintenance program payments. This appropriation shall be allocated so as to insure that no county receives a maintenance allocation in fiscal year 1986-1987 that is less than the allocation such county received in fiscal year 1985-1986..... 10,947,000

Amend Sec. 2, page 2, line 28, by striking out all of said line and inserting:

Programs..... 48,416,000

For highway restorations under the Highway Transfer Program..... 9,837,000

Supplemental funding for the Secondary Road allocation..... 10,000,000

For bridge painting..... 5,000,000

Amend Sec. 2, page 3, line 13, by striking out all of said line and inserting:

License Fund..... \$3,579,000

Amend Sec. 2, page 5, line 11, by striking out all of said line and inserting:

Program of the Pennsylvania State Police..... \$146,328,000

Amend Sec. 3, page 6, line 15, by striking out all of said line and inserting:

For payment for aviation-related debt service \$193,000

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 2551 CALLED UP OUT OF ORDER

HB 2551 (Pr. No. 3558) — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL  
ON SECOND CONSIDERATION

HB 2551 (Pr. No. 3558) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

Considered the second time and agreed to,

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

#### HB 2552 CALLED UP OUT OF ORDER

**HB 2552 (Pr. No. 3559)** — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

#### PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

**HB 2552 (Pr. No. 3559)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

Considered the second time and agreed to,

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

#### HB 2554 CALLED UP OUT OF ORDER

**HB 2554 (Pr. No. 3670)** — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

#### PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

**HB 2554 (Pr. No. 3670)** — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

### EXECUTIVE NOMINATION

#### EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

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

Which was agreed to.

#### NOMINATION TAKEN FROM THE TABLE

Senator BRIGHTBILL. Mr. President, I call from the table for consideration certain nomination previously reported from committee and laid on the table.

The Clerk read the nomination as follows:

#### JUDGE, COMMONWEALTH COURT OF PENNSYLVANIA

April 28, 1986.

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 Carroll F. Purdy, Jr., Esquire, 211 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Commonwealth Court of Pennsylvania, to serve until the first Monday of January, 1988, vice The Honorable Robert W. Williams, Jr., resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator LINCOLN. Mr. President, may we be at ease for a moment?

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

#### REQUEST FOR RECESS

Senator ZEMPRELLI. Mr. President, I am requesting a short recess of the Senate for the purpose of a Democratic caucus.

Senator STAUFFER. Mr. President, may we be at ease for a moment?

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

### EXECUTIVE SESSION RISES

Senator BRIGHTBILL. Mr. President, I would ask that the nomination just read be returned to the table and move that the Executive Session do now rise.

The PRESIDENT pro tempore. Without objection, the nomination just—

#### PARLIAMENTARY INQUIRY

Senator KELLEY. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, is it not the appropriate parliamentary procedure that you cannot undo immediately what you have done in any case until and unless there is an intervening action by the legislative Body?

The PRESIDENT pro tempore. Under our Rules, Senator Kelley, any Member of the Senate who makes a motion has the right to withdraw it.

Senator KELLEY. The gentleman has not withdrawn it, Mr. President. The nomination was read and called from the

table. Do I understand the Chair's ruling is, then, that it was not called from the table?

The PRESIDENT pro tempore. There is no question it was called from the table, but I think by withdrawing his motion to advise and consent, the practical effect is it would revert to the table. I think it has been done before.

Senator KELLEY. Mr. President, I do not want to belabor the process. It is just that if nothing else but some form of debate or something, it seems to me the permanent annals of the proceedings of this distinguished legislative Body would be replete with a complete process of the parliamentary laws, and I do not want the gentleman or anybody to be irresponsible in this regard.

The PRESIDENT pro tempore. We certainly do not want to do that.

Senator Brightbill moves that the Executive Session do now rise.

The motion was agreed to.

### MOTION TO ADJOURN

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 18th at 9:15 a.m.

### BILL SIGNED

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

**SB 655.**

### ADJOURNMENT

The PRESIDENT pro tempore. It has been moved by Senator Stauffer that the Senate do now adjourn until Wednesday, June 18, 1986, at 9:15 a.m.

On the question,

Will the Senate agree to the motion?

### POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Not only now but when I first verbalized a point of order, Mr. President, if the Chair is to recognize the motion, it must immediately be put before the Body, and the Chair made an intervening announcement of signing a certain bill. I believe it is inappropriate for the Chair to have any intervening action whatsoever after the motion is made of adjournment. There is nothing for this Body to consider when the Chair recognizes that motion but the motion to adjourn.

The PRESIDENT pro tempore. Senator, for your edification and the Members of the Senate, there is nothing in the Rules that would cover that. I am constitutionally bound to do that, and if I am to live up to the Constitution, I had to announce that I had signed in the presence of the Senate that bill. I immediately did that and then acted on the motion. There is nothing in the Rules that precludes that.

Senator KELLEY. Mr. President, if I may elaborate on that point, I recognize the constitutional duty you have. That could have been put off until the next reconvened meeting. I am only pointing out that when the Chair recognizes a motion for adjournment, that is the first and only matter before the Body. I am not here to do anything else but to ask for conformance in the future to the Rules of Parliamentary Procedure.

The PRESIDENT pro tempore. With all due respect to the gentleman's remarks, the Chair had signed that bill prior to the motion being put, and if I was to live up to the constitutional duty which you all expect me to do, I had to do that and recognize the gentleman the next time, which was not a violation of any Rule in the Senate, and there is nothing else I could have done, Senator, but I respect your point.

### POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, I actually had a request for a caucus that somehow got swept under the rug. I guess that has been obviated now, but I would like to know how we jumped over my request for a caucus into a motion for adjournment.

The PRESIDENT pro tempore. The motion for adjournment would take precedence over your request for a caucus, Senator.

Senator ZEMPRELLI. Mr. President, there was an intervening point of action in which the gentleman in charge of the Executive Nominations was permitted to make certain motions prior to the fact that there was any action on my motion to have us go into caucus and then there is a motion to adjourn.

The PRESIDENT pro tempore. Senator, the request to withdraw the motion was made by Senator Brightbill. It was at that point that Senator Stauffer made his motion to adjourn. If you wish to caucus, I am sure that is still your right to do so.

Senator ZEMPRELLI. Mr. President, am I to assume, then, that my motion to caucus was refused?

The PRESIDENT pro tempore. There was never a motion to caucus, Senator.

Senator ZEMPRELLI. Was the request to caucus refused, Mr. President?

The PRESIDENT pro tempore. No, Senator. You may caucus any time you wish.

Senator ZEMPRELLI. Thank you, Mr. President.

Senator KELLEY. Mr. President, I request a roll call.

And the question recurring,

Will the Senate agree to the motion?

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

## YEAS—26

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

## NAYS—22

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

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

The PRESIDENT pro tempore. The Senate is adjourned until Wednesday, June 18, 1986, at 9:15 a.m.

The Senate adjourned at 6:10 p.m., Eastern Daylight Saving Time.