

LEGISLATIVE JOURNAL

MONDAY, JUNE 22, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 48

SENATE

MONDAY, June 22, 1987.

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

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

PRAYER

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

Eternal God, as we begin another week in this hall, help us to realize the awesome tasks which confront us as individuals and as a united group of citizens. Help us to do what is necessary for our Commonwealth, and enable us to do the best that we can through Your direction. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 17, 1987.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

BRIGADIER GENERAL, PENNSYLVANIA NATIONAL GUARD

June 22, 1987.

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

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

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

June 17, 1987

HB 2 and 3 — Committee on Community and Economic Development.

HB 9 — Committee on Education.

HB 262 — Committee on Labor and Industry.

HB 1125 — Committee on Law and Justice.

June 18, 1987

HB 199 — Committee on Transportation.

June 22, 1987

HB 1 — Committee on Community and Economic Development.

HB 4 and 6 — Committee on Public Health and Welfare.

HB 8 — Committee on Labor and Industry.

HB 40 — Committee on Finance.

HB 81 — Committee on Judiciary.

HB 857 — Committee on Local Government.

HB 1100 — Committee on Environmental Resources and Energy.

HB 1254 — Committee on Law and Justice.

BILLS INTRODUCED AND REFERRED

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

June 18, 1987

Senator SHAFFER presented to the Chair SB 899, entitled:

An Act establishing the State Board of Dietitians and giving it powers and duties; providing for the certification of dietitians; and providing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 18, 1987.

Senators GREENWOOD, LOEPER, REIBMAN, AFFLERBACH, FISHER, ANDREZESKI, HELFRICK, ARMSTRONG, MOORE, STAUFFER, KELLEY, MADIGAN, GREENLEAF, HOPPER and BRIGHTBILL presented to the Chair **SB 900**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," authorizing the establishment of a land bank program with the approval of the electorate; providing for funding by proceeds from tax on the transfer of real property; and specifying the purposes of a land bank program.

Which was committed to the Committee on FINANCE, June 18, 1987.

Senators GREENWOOD, LOEPER, REIBMAN, AFFLERBACH, FISHER, ANDREZESKI, HELFRICK, ARMSTRONG, MOORE, STAUFFER, KELLEY, MADIGAN, GREENLEAF, HOPPER and BRIGHTBILL presented to the Chair **SB 901**, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," exempting certain transfers of real property in second class townships from tax; and authorizing townships of the second class to impose an additional tax on the transfer of real property, with the approval of their electors.

Which was committed to the Committee on FINANCE, June 18, 1987.

Senators GREENWOOD, LOEPER, REIBMAN, AFFLERBACH, FISHER, ANDREZESKI, HELFRICK, ARMSTRONG, MOORE, STAUFFER, KELLEY, MADIGAN, GREENLEAF, HOPPER and BRIGHTBILL presented to the Chair **SB 902**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," exempting certain transfers of real property in second class townships from tax.

Which was committed to the Committee on FINANCE, June 18, 1987.

Senators HOPPER, SHUMAKER and HESS presented to the Chair **SB 903**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Transportation and the Governor, to sell and convey a tract of land situate in Fairview Township, York County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, June 18, 1987.

Senator HESS presented to the Chair **SB 904**, entitled:

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," further providing for the issuance of work permits; changing application and reporting requirements; and further providing for transferable work permits.

Which was committed to the Committee on LABOR AND INDUSTRY, June 18, 1987.

Senators JONES, ARMSTRONG, LYNCH, ROMANELLI, SHUMAKER, WENGER, WILT, REIBMAN, KELLEY, AFFLERBACH, REGOLI, ANDREZESKI, WILLIAMS and GREENWOOD presented to the Chair **SB 905**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for destitute pregnant women and women with dependent children; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 18, 1987.

Senators JONES, ARMSTRONG, LYNCH, ROMANELLI, SHUMAKER, WENGER, WILT, REIBMAN, AFFLERBACH, REGOLI, ANDREZESKI, WILLIAMS and GREENWOOD presented to the Chair **SB 906**, entitled:

An Act making an appropriation to Gaudenzia, Inc., of Philadelphia for operation of its residential drug and alcohol program for women with their children, located in Lancaster, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 18, 1987.

Senators BELL and PECORA presented to the Chair **SB 907**, entitled:

An Act establishing a program providing for reimbursement to the elderly for the payment of denture expenses out of State Lottery Fund moneys.

Which was committed to the Committee on AGING AND YOUTH, June 18, 1987.

Senators BELL and PECORA presented to the Chair **SB 908**, entitled:

An Act establishing a program providing for reimbursement to the elderly for the payment of hearing examinations and hearing aids out of State Lottery Fund moneys.

Which was committed to the Committee on AGING AND YOUTH, June 18, 1987.

Senators BELL and PECORA presented to the Chair **SB 909**, entitled:

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

Which was committed to the Committee on AGING AND YOUTH, June 18, 1987.

Senators STAUFFER, HELFRICK, GREENWOOD, ROSS, FISHER, AFFLERBACH, SHUMAKER, LEWIS, WILT, SHAFFER, ANDREZESKI, KELLEY, STAPLETON, LINCOLN and CORMAN presented to the Chair **SB 910**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," reducing real property taxes; repealing the authority to levy earned income, occupation, occupational privilege and per capita taxes and authorizing

certain taxes to be levied in lieu thereof; providing exemptions for certain school districts; requiring corresponding reductions of rent for residential tenants; and aiding school districts heavily impacted by unemployment.

Which was committed to the Committee on FINANCE, June 18, 1987.

Senators STAUFFER, HELFRICK, GREENWOOD, ROSS, FISHER, AFFLERBACH, SHUMAKER, LEWIS, WILT, SHAFFER, ANDREZESKI, KELLEY, STAPLETON, LINCOLN and CORMAN presented to the Chair **SB 911**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a business sales surtax; providing for the distribution of the business sales surtax to school districts; and adjusting the distribution of the public utility realty tax.

Which was committed to the Committee on FINANCE, June 18, 1987.

June 22, 1987

Senators ROMANELLI, SCANLON, BODACK, ZEMPRELLI, REGOLI and PECORA presented to the Chair **SB 912**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the Redevelopment Assistance Sinking Fund.

Which was committed to the Committee on FINANCE, June 22, 1987.

Senators BODACK, ROMANELLI, ROCKS, ROSS, SCANLON, FISHER, PECORA, MUSTO, SALVATORE and JONES presented to the Chair **SB 913**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further defining "occupational disease"; and providing for cancer in the occupation of fire-fighter.

Which was committed to the Committee on LABOR AND INDUSTRY, June 22, 1987.

Senator BELL presented to the Chair **SB 914**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the definition of "motor carrier vehicle"; providing for the implementation of the Federal Motor Carrier Safety Assistance Program; and creating a Motor Carrier Safety Advisory Committee.

Which was committed to the Committee on TRANSPORTATION, June 22, 1987.

Senator BELL presented to the Chair **SB 915**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the inspection for safety of certain commercial vehicles.

Which was committed to the Committee on TRANSPORTATION, June 22, 1987.

Senators ANDREZESKI, BODACK, STEWART, LYNCH, JONES, ROCKS, ROSS, ROMANELLI and LEWIS presented to the Chair **SB 916**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to churches that are affiliated with a bona fide parent body.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 22, 1987.

Senator ANDREZESKI presented to the Chair **SB 917**, entitled:

An Act rendering immune from civil damages or criminal prosecution persons who go upon the lands of adjoining property owners during and after certain emergencies.

Which was committed to the Committee on JUDICIARY, June 22, 1987.

Senators HELFRICK, ROCKS, WENGER, JONES, O'PAKE, STAPLETON, REIBMAN, ANDREZESKI, ROMANELLI, MELLOW, SHAFFER, SALVATORE, WILT, PECORA, KELLEY, STOUT, LYNCH, MOORE, BELL, ARMSTRONG and PETERSON presented to the Chair **SB 918**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to places of religious worship.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 22, 1987.

Senators GREENWOOD, LOEPER, PETERSON, HOPPER, AFFLERBACH, CORMAN, HESS, SHUMAKER, LEMMOND, O'PAKE and BRIGHTBILL presented to the Chair **SB 919**, entitled:

An Act providing for inpatient residential treatment services for mentally ill children and youth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 22, 1987.

Senators WENGER, LEWIS, LEMMOND, HESS, SHAFFER, JUBELIRER, FUMO, MELLOW and STEWART presented to the Chair **SB 920**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," abolishing the State Planning Board; transferring personnel, property and appropriations from the State Planning Board to the Department of Community Affairs; and making repeals.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senators WENGER, LEWIS, LEMMOND, HESS, SHAFFER, JUBELIRER, FUMO, MELLOW and STEWART presented to the Chair **SB 921**, entitled:

An Act amending the act of May 20, 1949 (P. L. 1608, No. 485), entitled "State Planning Code," removing provisions relating to the State Planning Board; transferring remaining powers and duties of the State Planning Board to the Department of Community Affairs; and transferring records, appropriations and equipment.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senators WENGER, LEWIS, LEMMOND, HESS, SHAFFER, JUBELIRER, FUMO, MELLOW and STEWART presented to the Chair **SB 922**, entitled:

An Act amending the act of May 29, 1956 (1955 P. L. 1845, No. 611), entitled "Regional Planning Law," further providing for regions that extend beyond the boundaries of the Commonwealth.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senators WENGER, LEWIS, LEMMOND, HESS, SHAFFER, JUBELIRER, FUMO, MELLOW and STEWART presented to the Chair **SB 923**, entitled:

An Act amending the act of May 28, 1937 (P. L. 955, No. 265), entitled, as amended, "Housing Authorities Law," further providing for the formation of authorities, for surcharge proceedings, for charges against members or employees.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senators WENGER, LEWIS, LEMMOND, HESS, SHAFFER, JUBELIRER, FUMO, MELLOW and STEWART presented to the Chair **SB 924**, entitled:

An Act amending the act of June 22, 1964 (Sp. Sess., P. L. 131, No. 8), entitled "Project 70 Land Acquisition and Borrowing Act," further providing for the manner of acquiring lands.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senators WENGER, LEWIS, LEMMOND, HESS, SHAFFER, JUBELIRER, FUMO, MELLOW and STEWART presented to the Chair **SB 925**, entitled:

An Act amending the act of January 19, 1968 (1967 P. L. 992, No. 442), entitled "An act authorizing the Commonwealth of Pennsylvania and the counties thereof to preserve, acquire or hold land for open space uses," further providing for planning requirements for disposition of open space property interests and for utility easements; and making editorial changes.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senators WENGER, LEWIS, LEMMOND, HESS, SHAFFER, JUBELIRER, FUMO, MELLOW and STEWART presented to the Chair **SB 926**, entitled:

An Act amending the act of January 19, 1968 (1967 P. L. 996, No. 443), entitled "The Land and Water Conservation and Reclamation Act," further providing for allotment of moneys; and making editorial changes.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senators WENGER, LEWIS, LEMMOND, HESS, SHAFFER, JUBELIRER, FUMO, MELLOW and STEWART presented to the Chair **SB 927**, entitled:

An Act amending the act of June 30, 1965 (P. L. 153, No. 103), entitled "Delaware Valley Urban Area Compact," further providing for the members of the commission, for the duties of the commission; and for the powers and duties of the executive committee.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senators ROCKS, BODACK, SALVATORE, RHOADES, SHUMAKER, MELLOW, ZEMPRELLI, ROSS, ANDREZESKI, ROMANELLI, REIBMAN, WILLIAMS, MUSTO, STOUT, HELFRICK, LYNCH, FISHER, LEWIS, O'PAKE, GREENLEAF, HOLL, PECORA and JONES presented to the Chair **SB 928**, entitled:

An Act providing for grants by the Secretary of Community Affairs to promote social services for Pennsylvania's ethnic and multicultural communities and to insure that ethnic groups are not discriminated against or prohibited from receiving services because of language barriers, cultural obstacles, lack of education or lack of accessibility to government-related or public social programs; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 1987.

Senator ROCKS presented to the Chair **SB 929**, entitled:

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act," providing for services for aphasiacs.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 22, 1987.

Senators STAPLETON, PETERSON, STAUFFER, STOUT, BODACK, MUSTO, LINCOLN, STEWART, O'PAKE and ROSS presented to the Chair **SB 930**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the definition of "common carrier by motor vehicle."

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 22, 1987.

Senator BRIGHTBILL presented to the Chair **SB 931**, entitled:

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

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, June 22, 1987.

Senators BRIGHTBILL, SHAFFER, FISHER, SALVATORE, ROMANELLI, SHUMAKER, STAPLETON, STOUT, LEWIS, HOPPER, WENGER and ANDREZESKI presented to the Chair **SB 932**, entitled:

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

Which was committed to the Committee on FINANCE, June 22, 1987.

RESOLUTION INTRODUCED AND REFERRED

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

June 18, 1987

**MEMORIALIZING CONGRESS TO ENACT
LEGISLATION RESTORING CONTROL OF THE
NATIONAL GUARD TO EACH STATE**

Senators LEWIS, STAPLETON, REIBMAN, O'PAKE, HOPPER and PETERSON offered the following resolution (**Senate Resolution No. 91**), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, June 18, 1987.

A RESOLUTION

Memorializing Congress to enact legislation restoring control of the National Guard to each state.

WHEREAS, Last fall, Congress enacted legislation, commonly known as the Montgomery Amendment, which removed control of the National Guard from individual states; and

WHEREAS, This legislation was opposed by numerous State and Federal legislators, as well as unanimously opposed by the National Governors' Conference; and

WHEREAS, We believe the United States Constitution intended that states establish and control civilian militias to protect the citizens of each state; and

WHEREAS, We believe that control of the National Guard should be returned to individual states; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to enact legislation which would restore control of the National Guard to each state; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of the Pennsylvania Congressional delegation.

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator Edward W. Helfrick to serve as a member of the Governor's Traffic Safety Council.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Hankins, Senator Jones, Senator Rocks and Senator Stout.

The PRESIDENT. Senator Loeper requests temporary legislative leave for Senator Helfrick. Senator Lincoln requests temporary Capitol leaves for Senator Hankins, Senator Jones, Senator Rocks and Senator Stout. Are there objections to the leave requests? The Chair hears none. The leaves will be granted.

LEAVE OF ABSENCE

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

DISCHARGE PETITIONS

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Ethel Barnett as a member of the State Civil Service Commission.

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 Ethel Barnett, as a member of the State Civil Service Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of David S. Owens, Jr., as Commissioner of Corrections.

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 David S. Owens, Jr., as Commissioner of Corrections, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Beverly A. Hay as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education.

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 Beverly A. Hay, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Allen A. Pechter, Esquire, as a member of the Board of Eastern State School and Hospital.

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 Allen A. Pechter, Esquire, as a member of the Board of Eastern State School and Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Mary W. Stemme as a member of the Board of Trustees of Eastern State School and Hospital.

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 Mary W. Stemme, as a member of the Board of Trustees of Eastern State School and Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Marc A. Roda as a member of the Environmental Hearing Board.

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 Marc A. Roda, as a member of the Environmental Hearing Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Michael Boryk as a member of the Pennsylvania Game Commission.

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 Michael Boryk, as a member of the Pennsylvania Game Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Edward Vogue, Jr., as a member of the Pennsylvania Game Commission.

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 Edward Vogue, Jr., as a member of the Pennsylvania Game Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Charles W. Woods as a member of the Board of Trustees of Harrisburg State Hospital.

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 W. Woods, as a member of the Board of Trustees of Harrisburg State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Roger Tauss as a member of the Health Care Policy Board.

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 Roger Tauss, as a member of the Health Care Policy Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of The Honorable Bernard L. McGinley II, as Judge of the Commonwealth Court of Pennsylvania.

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 The Honorable Bernard L. McGinley II, as Judge of the Commonwealth Court of Pennsylvania, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of The Honorable Paul Ribner as Judge of the Commonwealth Court of Pennsylvania.

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 The Honorable Paul Ribner, as Judge of the Commonwealth Court of Pennsylvania, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Norman Ackerman, Esquire, as Judge of the Court of Common Pleas of Philadelphia County.

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 Norman Ackerman, Esquire, as Judge of the Court of Common Pleas of Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Legrome Derik Davis, Esquire, as Judge of the Court of Common Pleas, Philadelphia County.

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 Legrome Derik Davis, Esquire, as Judge of the Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of John W. Herron, Esquire, as Judge of the Court of Common Pleas, Philadelphia County.

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 John W. Herron, Esquire, as Judge of the Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Cardozie Darnell Jones II, Esquire, as Judge of the Court of Common Pleas, Philadelphia County.

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 Cardozie Darnell Jones II, Esquire, as Judge of the Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Edward E. Russell, Esquire, as Judge of the Court of Common Pleas, Philadelphia.

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 Edward E. Russell, Esquire, as Judge of the Court of Common Pleas, Philadelphia, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Diane Devlin as a member of the Board of Trustees of Norristown State Hospital.

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 Diane Devlin, as a member of the Board of Trustees of Norristown State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Helen M. Kauffman as a member of the State Board of Occupational Therapy Education and Licensure.

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 Helen M. Kauffman, as a member of the State Board of Occupational Therapy Education and Licensure, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Francis R. Wiercinski as a member of the State Board of Pharmacy.

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 Francis R. Wiercinski, as a member of the State Board of Pharmacy, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Michael L. Murphy as a member of the State Board of Physical Therapy.

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 Michael L. Murphy, as a member of the State Board of Physical Therapy, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Richard J. Restivo as a member of the Advisory Committee on Probation.

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 Richard J. Restivo, as a member of the Advisory Committee on Probation, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Dahle D. Bingaman, D.Ed., as a member of the Pennsylvania Board of Probation and Parole.

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 Dahle D. Bingaman, D.Ed., as a member of the Pennsylvania Board of Probation and Parole, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Daniel Clearfield as a member of the Pennsylvania Public Utility Commission.

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 Daniel Clearfield, as a member of the Pennsylvania Public Utility Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of William H. Smith as a member of the Pennsylvania Public Utility Commission.

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 William H. Smith, as a member of the Pennsylvania Public Utility Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of George J. Gruber, Jr., as a member of the Board of Trustees of Scranton State School for the Deaf.

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 George J. Gruber, Jr., as a member of the Board of Trustees of Scranton State School for the Deaf, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Audrey B. Faloon as a member of the Board of Trustees of Torrance State Hospital.

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 Audrey B. Faloon, as a member of the Board of Trustees of Torrance State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Eileen K. Steele as Treasurer of Pike County.

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 Eileen K. Steele, as Treasurer of Pike County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

In the Senate, June 22, 1987.

A PETITION

To place before the Senate the nomination of Susan Armstrong as District Justice of Chester County.

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 Susan Armstrong, as District Justice of Chester County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

John Stauffer
Robert C. Jubelirer
F. Joseph Loeper
David J. Brightbill
William J. Moore

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

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

Senator STAUFFER offered the following resolution, which was read as follows:

In the Senate, June 22, 1987.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 29, 1987, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 29, 1987, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

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

On the question,

Will the Senate agree to the motion?

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

YEAS—48

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

NAYS—1

Kelley

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

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

PENNSYLVANIA MAPLE SWEETHEART PRESENTED TO SENATE

Senator MADIGAN. Mr. President, I have a rather sweet task to perform today and, with the Chair's indulgence, I will do so and make every effort not to make it too syrupy.

Mr. President, we have with us today a young lady from my district, Christina Hill, who is the reigning Pennsylvania Maple Sweetheart. She is the daughter of Mr. and Mrs. Leighton Hill of Nelson in Tioga County, and she is only the second woman from Tioga County to be named the state's Maple Sweetheart.

I would like to introduce her father who is with her at this time, Mr. Leighton Hill.

The PRESIDENT. Would the Senate join us in greeting Mr. Hill, Christina Hill and Jeff Osmon.

(Applause.)

Senator MADIGAN. Mr. President, Miss Hill was crowned during ceremonies last September in Somerset and has been busy ever since representing the Commonwealth and the Potter-Tioga Maple Producers Association and the many marvelous products that come from Pennsylvania's delicious maple syrup. Mr. President, I might add that Miss Hill is a member of the National Honor Society at Elkland Area High School and is quite active in a host of school activities, including Students Against Driving Drunk, and this year was named a member of Who's Who Among American High School Students.

I think it is quite obvious, Mr. President, that I am quite proud of this young lady. I would ask that you extend to her the usual warm welcome of the Senate of Pennsylvania and the opportunity to make a few brief remarks.

The PRESIDENT. Miss Hill, would you care to join us for a few syrupy remarks?

Miss HILL. Mr. President, President pro tempore of the Senate, Senator Jubelirer, Senator Madigan and Pennsylvania Senators:

As introduced, I am Christina Hill, the 1987 Pennsylvania Maple Sweetheart. First, I would like to thank Senator Madigan for presenting me with the opportunity to speak to you today on a Pennsylvania commodity that I represent, the wonderful world of maple. Thank you to all of you for allowing me your time today. I will try to keep this short and sweet, like this year's sap season.

A year and a half ago I was a typical high school junior. I liked being with my friends, studying and, of course, goofing off. Then it came time for a Maple Sweetheart to be nominated from all of our area schools. My classmates at Elkland High School, Tioga County, selected me to represent our school. I was not sure where to begin studying the maple industry or, rather, what to study, so I started reading books, visiting maple operations, participating in making maple products and talking to numerous maple producers. I then had a basic understanding of the industry and began to learn what a Maple Sweetheart should do. She is to promote the industry and make the public aware of its value. Now that I understood what was expected of me as a candidate, I needed a creative way to express my ideas and knowledge. Since I can best express my deepest feelings through poetry, I wrote a poem on how I perceived the sugaring season. Here is an edited version of "Nature's Sweetest Time:"

Mid-February we come out of our winter nap
 And head for the maple trees to tap.
 We hitch the horses to the sleigh
 And think all is over in a few short days.
 With plastic tubing or braces, bits, hammers and buckets
 and spiles
 We're off to the family sugar bush near the wilds.
 Ma and pa, sister Sue and Jimmy, too, gaily drill the holes,
 place the spiles and the covered buckets are hung,
 With thoughts of maple sugar on the tongue.
 Yes, the trees are tapped, nature's short maple deadline
 met. We now enjoy the riches of the season

For many a reason.

Little Sue loves sugar on the snow

Papa loves his sugar shanty to show.

While mom makes the candy,

Jimmy comes in quite handy—for tasting.

Friends help, too

We're all quite a crew.

It's late to bed and early to rise

In March, April and May for your prize.

You see, it's quite an affair

Making syrup, it's a springtime flair.

So come on, now, and be a part

Of nature's endless art.

The freezing cold of the nights

And day's warmth of spring sunlight

Brings the sap to run

Work seeming to be forever undone.

But, as the faithful sap flows in

It is boiled in our evaporator tin.

Heated with dry watered gas

Makes boiling go quite fast.

For fastness is the key

For the fancy great syrup I like to see.

Taking care to constantly watch the equipment

You know the final product is heaven sent.

As it boils to the designated temperatures

It's drawn off to filter out the niter.

Then it's stored for packaging

And labeled for marketing.

As the temperatures stay warm

The tree sap slows down and lessens in form.

So, the producer has memories to cherish

From this earth it is vowed maple shall never perish.

The sugar bush is cleared

The sap will run no more for the year.

All the equipment is washed and stored

Until the next spring when sap again shall pour.

So, the long hours pass, the riches made,

Memories gained shall never fade.

Onward goes this year in time

Time to educate others of the industry.

Share knowledge of sugaring so others, too, can enjoy

Nature's unique toy.

Dedicated here are we to preserving nature's sweetheart

From our heart's eternal devotion, dear maple, shall never
 part.

From this verse I was able to communicate to the judges how I felt and, more importantly, my knowledge of the maple industry.

After being crowned the Potter-Tioga Maple Sweetheart, I was informed that the various agricultural commodities of the Commonwealth select representatives on the state level and that I would compete at the annual Pennsylvania Maple Tour in September for the Pennsylvania Maple Sweetheart title, representing the Potter-Tioga Maple Association. At the state competition we were judged on our knowledge of the maple

industry, our ideas on promotion, our manners, appearance and speeches. After a day with the judges I was selected the 1987 Pennsylvania Maple Sweetheart.

It is my honor to represent the Pennsylvania maple industry by informing and educating the public on maple syrup and its products. I have learned and been able to share with people the procedure of converting sap to syrup and the various products that may be made from the syrup and the many uses of maple products. I take great pride in the fact that I also represent a product that is 100 percent natural. Since I am a public relations person, I need to make the public aware of who I am and what I do. I promote the industry by participating in public functions, such as fairs, parades, dinners and festivals. Some of these events include the Pennsylvania Farm Show, the annual state Maple Tour, Agricultural Progress Days, Agricultural Promotion Week, the Pennsylvania Laurel Festival and regional maple festivals promoted by their maple producer associations. I, along with alternate representatives, cover numerous local functions throughout the state during the year.

Although the majority of my speaking engagements are to adult audiences, I feel it is important to educate the children, and I have received great satisfaction in enlightening the new generation on maple syrup. I had the pleasure of giving school children and 4-H'ers the opportunity to make and taste maple cream while I talked about maple syrup. From these experiences I have gained insight of myself, my abilities, my strengths and weaknesses, as well as better understanding of others. I am a more confident individual. The responsibility of representing a commodity has taught me self-discipline and how to better manage my time. By dealing with the public in various situations, I am more open-minded. I have learned to better listen to people and talk with them.

Yes, this experience has brought me immeasurable growth—inside any sense of worth that is priceless. I know by promoting the maple industry I am helping others and that makes me feel good inside. This is a unique experience, and I know that when I pass on the crown in September I shall shed tears of sadness and joy. The tears of joy are for the next girl as she will learn and grow in countless ways. I have learned and believe in shooting for the stars and if you land on the moon, that is okay; keep on going. The self-growth I have experienced is evident within me today as I stand before you, the Pennsylvania Senate, and speak about the commodity I proudly represent, maple syrup.

Thank you.

(Applause.)

The PRESIDENT. The Chair thanks the Pennsylvania Maple Sweetheart.

RECESS

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

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

AFTER RECESS

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

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

BILL OVER IN ORDER

HB 483 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE

HB 1075 (Pr. No. 1623) — The Senate proceeded to consideration of the bill, entitled:

An Act providing procedures when cemetery companies make errors in burials; and providing for sanctions.

Senator STAUFFER. Mr. President, I move the Senate do insist upon its amendments nonconcurring in by the House to House Bill No. 1075, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hankins, Senator Rocks, Senator Stout

and Senator Helfrick, and their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVES

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

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

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Lemmond.

The PRESIDENT. Senator Loeper requests a legislative leave on behalf of Senator Lemmond. The Chair hears no objection. The legislative leave will be granted.

SPECIAL ORDER OF BUSINESS

**COMMUNICATION FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator BRIGHTBILL called from the table communication from his Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the clerk as follows:

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 10, 1987.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 1987 for the appointment of Norman Ackerman, Esquire, 7547 Battersby Street, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1988, vice The Honorable Doris Harris, deceased.

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

ROBERT P. CASEY.

NOMINATION RETURNED TO THE GOVERNOR

Senator BRIGHTBILL. Mr. President, I move the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

LEGISLATIVE LEAVE CANCELLED

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

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.

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:

SECRETARY OF BANKING

March 27, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Sarah W. Hargrove, 504 Spring Lane, Wyndmoor 19118, Montgomery County, Seventeenth Senatorial District, for appointment as Secretary of Banking, to serve until the third Tuesday of January, 1991, and until her successor shall have been appointed and qualified, vice The Honorable Ben McEnteer, Titusville, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—48

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

NAYS—1

Tilghman

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

Ordered, That the Governor be informed accordingly.

LEGISLATIVE LEAVE

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

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

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:

SECRETARY OF COMMERCE

March 31, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Donald F. Mazziotti, 30 North 26th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Commerce, to serve until the third Tuesday of January, 1991, and until his successor shall have been appointed and qualified, vice The Honorable James O. Pickard, Sr., Lancaster, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

Senator ZEMPRELLI. Mr. President, I am very proud to stand in support of the nomination of Mr. Mazziotti. We have in this gentleman the opportunity to review a work record in place before considering the confirmation. I know the business people from Allegheny County, members of the Pittsburgh Chamber of Commerce, the Greater Pittsburgh Chamber of Commerce, the Mon-Yough Chamber of Commerce, the Monongahela Valley Chamber of Commerce, every Chamber of Commerce I have had the pleasure of meeting since the first of the year, have expressed a very keen interest in Mr. Mazziotti and have been very laudatory about the very fine work that he has done in the private sector. I had heard about Mr. Mazziotti from gentlemen such as Mr. Quentin Wood, the Chief Executive Officer with Quaker State, who does not share the same political view that I do, but recognized in Mr. Mazziotti a man of high quality, a person of dedication. I do not think, Mr. President, there is anybody in this Commonwealth who has worked as hard in the public interest as Don Mazziotti. We can document without hesitation some of the accomplishments, together with the work that the Governor has assisted in in going throughout this Commonwealth.

We know there have been at least twenty-six firms that have expanded their business interests in this Commonwealth, which means jobs, which means a better economy. We know there have been eight new firms that have come into the Commonwealth of Pennsylvania since Mr. Mazziotti has been at the helm of economic development. We know there are at least 200 prospects under consideration at this time that have been identified with wanting to come into the Commonwealth of Pennsylvania and to do business in this Commonwealth. Mr. Mazziotti is an absolute tireless worker who has demonstrated that he has the capability of doing the job for which he has been hired at the kind of wages that government pays.

Now I come to the nexus, the crunch, the controversy, and ask you if you will equate what you are about to do with what the best interests of the Commonwealth of Pennsylvania are. I understand the issue that is before us relates to Mr. Mazziotti's association with severance pay to attract him to come to the Commonwealth of Pennsylvania. It had to be affordable, just like you and me. No different. Everybody has to be aware of the economic impact upon his person, his family, and this has evolved into an unbelievable situation which I sometimes find a little humor in, that here I am being supportive of a position that I normally would not be if I were to allow my politics to supersede my good judgment and common sense. Let us strip everything down, because I do not think anybody in this Body is going to say anything that is detrimental about Don Mazziotti and what he has done and what our expectations might be of him with respect to improving the economy of this Commonwealth, and if there are those thoughts, I would hope that now is the time for consideration and expression because I know of none. As a matter of fact, if I wanted to engage in an individual Senator-on-Senator basis, I am sure I would find that many of us, without identification, accompanied the Governor and Mr. Mazziotti on certain ventures that were intended to enhance the economy of this Commonwealth by interesting somebody either in expanding or continuing or coming anew to contribute to the economy of the Commonwealth.

I return, then, to the challenge as to Mr. Mazziotti's credentials for the work he has been retained to do in the position that he aspires to in asking for the imprimatur of this Body. And that is what we are all about, an imprimatur to the appointment that was made by the Governor in, perhaps, what is the most important thing that this Body could ever be about, and that is economic development. That is where it is, Mr. President. Everything else is superficial to the purpose. Now we have a situation, as I am told—and if I am in error I want to be corrected—that understanding the complexities of a severance from a private position to a public position, certain business ventures made it possible for Mr. Mazziotti to become a part of government, not to go to some other private sector but to become a part of government. Is that not the crunch? Is that not the part that we all concern ourselves with when we talk about hiring people to the Cabinet? Did you not read the Pittsburgh Press a number of weeks ago where they laid out the salaries of the top executives in this Commonwealth, going anywhere from \$375,000 to \$1 million, some of whom you and I both know, were offered various Cabinet positions, who, quite frankly, had to refuse them? That is not to suggest that we had to take less than capable people, but it is also an indication that we should not be putting our heads in the sand about the real elements of what life is all about and what it takes to attract people to government. Therefore, I return to Mr. Mazziotti, case in point. I am told—and again, if I am in error, please correct me—that the issue of conflict did arise prior to the acceptance of this position. The illustrious firm of Kirkpatrick and Lockhart—now if you are not familiar with that law firm, it was the law firm Governor

Thornburgh was associated with from Pittsburgh, Pennsylvania—passed on the issue and indicated there was not any problem with his accepting severance pay in the fashion this was done. It was perfectly legitimate and perfectly ethical. That was not enough. An opinion was requested from the Counsel General of this Commonwealth and he also said there was no conflict of interest, no problem either ethically or legally. The suggestion I am making here is that even those who would find some sacrosanct reason for believing there might be a problem absolutely refused to equate the issues that are involved, and that is, on the one side, is Mr. Mazziotti good or bad for the Commonwealth of Pennsylvania in economic development or, on the other hand, are we asking a person to come into government at great personal sacrifices and to, at the same time, ask him to be above Caesar's wife insofar as morality may be concerned if it equates to this situation? That is a little verbose. What I am simply trying to say is, is Mr. Mazziotti good, and, if not, why? And if he is bad, tell us why. On the other side, if we are concerned about him sending a letter to the Ethics Commission—oh my—that does not equate. It really offers an excuse for not wanting to do the right thing. How do I get anybody to believe—who called me from your side of the aisle—that we did not approve Mr. Mazziotti? It almost sounds like it would be a Democratic issue based on constituency. But here I am calling forth for the approval and consent of a party who I am sure you would have been proud to have presented if the governorship was with the Republican Administration. I hope I am wrong in this conclusion, as I am sure there are many more here who can speak out in favor of Mr. Mazziotti, not on what our expectations are, but what the early track record in the winner book has been.

Mr. President, I ask each and every Member of this Senate not to do a disservice to every other Pennsylvanian. We have a man of high quality, a dedicated worker, one who has not been involved in the mid-stream of politics, who is purer than many of us in his attitude towards what is right for the Commonwealth of Pennsylvania. Do not pass judgment on superficiality. Think of the Commonwealth of Pennsylvania and think what we are all about and what our objectives are.

Economic development requires the services of a top administrator. That means jobs, that means development and that equates to Mr. Mazziotti.

Senator STAUFFER. Mr. President, I think the final words of the Minority Leader were important words and I think they were the kind of important words that motivate us to take the action we do today. He said, "Do not do a disservice to the people of Pennsylvania." Mr. President, as far as Donald F. Mazziotti is concerned, I, for one, have no problem with the individual, have no problem with seeing him serve as Secretary of Commerce. Were it not for a very, very unusual circumstance, I believe the same vote that we had a few moments ago on Ms. Hargrove would be the same vote we would have had either today or on another day with regard to the nomination of Donald Mazziotti. But, Mr. President, we do have an unusual circumstance, a circumstance so unusual that it is the

first time in the history of this Commonwealth the General Assembly or the Senate has been faced with this kind of a situation. Never before, Mr. President, have we had a person nominated to a Cabinet position or any other high-ranking type of position in which that person was paid a subsidy from some outside special interest group in order that he or she might take that position. Never before, Mr. President, have we had a lobbyist paid by someone a sum of money to be over and above the salary of the Cabinet office in order to assume that position, but that is the situation we are faced with as we consider this nomination today. Mr. President, interestingly enough, the Minority Leader referred to the opinion rendered by the law firm of Kirkpatrick and Lockhart. However, I believe if he reviews that opinion, he will find that it is not an opinion as he stated it. I believe that opinion says that, yes, it is legal and ethical for the Business Round Table—I believe the group is titled—to make a severance pay arrangement with Mr. Mazziotti. They did not rule on the ethical question that we in this Senate have to consider. They did not rule nor do they have the power really to make the ruling as to what our position should be. They ruled for their client and they ruled, in their judgment, properly for their client and I have no dispute with that.

Mr. President, I would like to, for a moment, lay aside Don Mazziotti and let us look at the broad question because this is the question that each of us has to answer as we cast our votes today. Are we satisfied that forever in the future of this Commonwealth if some group, regardless of what the nature of that group is, is willing to pay a subsidy to someone to serve as a Cabinet officer, are we satisfied that it is perfectly ethical and proper for that to happen? For example, if in a future Administration the coal mining association should find that they would like to have one of their officers serve as Secretary of Environmental Resources, are we satisfied that if they put a huge sum of money up front, a subsidy, in order to cover what is supposed to be the difference between that person's salary and the salary of a Cabinet official, that that makes it perfectly fine, that there would be no ethical concerns regarding the conflicts that could exist in the dealings of the Department of Environmental Resources? How about the Department of Labor and Industry? Are we going to be satisfied if, in the future, the trade union movement of the Commonwealth picks one of its people and can convince a Governor that person should be Secretary of Labor and Industry and says they will put a sum of money up in order to make it financially attractive? You can go on and on. What about a group of lawyers, Mr. President, who decide that they think another lawyer would make a good judge? Would the people of this Commonwealth consider it ethical and proper that that person, who was subsidized for ten years of lost earnings by that group of attorneys, should properly sit as a judge? These are the kinds of ethical questions we have to ask ourselves. I think they are serious questions and I had hoped that before we reached this day, we would have a clear-cut answer to that question, because I am frank to admit that I am not certain what the answer to that question is. I do not for a moment

portend to pass judgment on the ethics of that. I am very concerned about it.

Let us go back, Mr. President, if we may, to the beginning of the situation that comes before us today, and let me inform you of a few things of which you may not be aware, because I was a bit concerned when I read the testimony that Mr. Mazziotti made before the Senate committee during his hearing. I was concerned when I read that he said he had spoken to the Majority Leader, Senator John Stauffer, and that he had said that he saw nothing either illegal or unethical with regard to his severance situation. Mr. President, some months ago I received a telephone call from Mr. Mazziotti and he indicated to me he had been invited to become the Secretary of Commerce of the Casey Administration. He indicated, as the gentleman from Allegheny, Senator Zemprelli, has pointed out, there was a difference in the salary he had been earning and the salary a Cabinet officer receives. I might say, parenthetically, we all know that many Cabinet officials take cuts in pay when they join a Cabinet and many, I guess, consider that the cost of public service and have been willing to make that. But, Mr. Mazziotti indicated he did not feel he could afford to take that reduction in compensation. I appreciate that. I can honor that, and I think there are many people who do not seek public office or take jobs in the public sector for that very reason. They are very personal decisions. He said, I wondered what you thought the reaction might be to that kind of situation, because, he said, the people for whom I work have indicated they are willing to pay me up front the difference between the Cabinet salary and the salary I currently earn and that they will cover four years of my service with that up-front payment and benefits. Mr. President, I am going to be very frank to say that never in my wildest dreams—when he and I had that conversation—did I believe we were talking about a sum as large as \$166,000. In the minds of most people in this Commonwealth that is a very, very large sum of money. It may not be in the minds of some in this Chamber, I do not know, but in the minds of many, many people that is a very large sum of money. I did not know what the amount was. I did not recognize the differential would be that great, but that probably is not important to the story. We did chat about the situation. I can remember very clearly saying to him that perhaps he might have a greater problem on the Democratic side of the aisle with that situation than he would on our side of the aisle. But, I said it was something that he had to consider, he had to look into, and that I would consider.

After the brief conversation we had, I thought about the matter. I discussed the matter over a period of, perhaps, the following ten minutes with a couple of members of my legal staff, and the question of the Ethics Act came up. We discussed that and we said, well, there is a gray area that exists here because the Ethics Act says that a public official or a candidate for public office cannot be paid or subsidized for taking or running for that position or holding that position. I immediately recognized that, in one sense, Mr. Mazziotti was not a candidate for public office in the general sense where

you run on the ballot, but, by the same token, he certainly would become a public official and he certainly would have to be voted for confirmation before the Senate. I called him back on the telephone about ten minutes later.

I said, "Don, have you thought"—and this is important and I hope you will listen to this—"about the provisions of the Ethics Act?"

I said, "Have you discussed with the Administration's attorneys the view of whether or not this situation that you have described would satisfy the requirements of the Ethics Act?"

He said, "No." Quite frankly he had never thought about it.

He said, "You have raised a whole new question here."

I said, "Don, I cannot give you an opinion whether this does or does not conflict with the Ethics Act, but I think before you move forward on this, you ought to get an answer to that question, because it is bound to come up, and it would be wise for you to settle that issue before it becomes a public issue and before you make your decision."

He indicated that he agreed and that was what he was going to do.

About a week later, Governor Casey announced that he had made a selection for the new Director of his Economic Development Partnership—I believe I have stated the title correctly—and announced the name of Donald F. Mazziotti. Quite frankly, I thought, because I had not had any further conversations, that decision was made because of the question that had been raised regarding the Ethics Act, because why on one day were we talking Secretary of Commerce and a week later they announced the gentleman for a different position? I thought, well, it appears to me that the attorneys probably have judged that there is a problem here and in order to enlist the services of this fine gentleman, they would put him in a different position where the ethical question would not arise. Then, obviously, as history has unfolded, after having assumed that position, we now have had the gentleman nominated as Secretary of Commerce.

Obviously, Mr. President, when the nomination as Secretary of Commerce arose, the episode I have described to you passed through my mind again. On the date of June 10th—let me go back a step before that. Earlier than that I felt we needed to determine whether or not there was a problem with regard to the Ethics Act.

When I read the Ethics Act, it said, "The Legislature further declares that the people have a right to be assured that the financial interests of holders of or candidates for public office present neither a conflict nor the appearance of a conflict with the public trust." On May 26th, I wrote a letter to the chairman of the State Ethics Commission requesting an advisory opinion with regard to Mr. Mazziotti's ability to take this position and be confirmed to this position without being in violation of the ethics statute. I was advised by the Ethics Commission that they only issue advisory opinions with the approval and agreement and/or the request of the person involved, therefore, since the request had not come directly

from Mr. Mazziotti or with his approval, they could not accede to the request I had made. That was on May 26th, as I say.

On June 10th, I wrote Mr. Mazziotti a letter indicating to him the circumstances I have just described and requested he authorize the Ethics Commission to issue that advisory opinion. I pointed out in so doing we could clear this issue, we could remove the cloud that many of us believe exists and we would be able to move forward with all of us having a direct knowledge of what the answer to that very important history-making question would be. Mr. Mazziotti never responded to my letter. However, on the date of June 15th I did receive a letter from Morey Myers, the General Counsel to the Governor, indicating that he was responding to my letter of June 10th to Don Mazziotti, and he proceeded to give the same opinion that he had written previously to the Ethics Commission in which he was indicating he felt there was no problem and this was perfectly all right. I respect Mr. Myers as a competent attorney. I recognize, however, that he has a bias in this situation. He is not the neutral, disinterested party from whom we are trying to gain the opinion. He represents the Administration that selected Mr. Mazziotti. Therefore, his opinion would not be the opinion we could rely upon to give us the final, definitive answer as to whether this precedent is something that should be made in this instance and, literally, carved into stone to be made at the whim or will of any other Governor in the future of this Commonwealth. That troubles me, Mr. President. It troubles us very much because we today do not have the answer to that question.

I am going to make a suggestion, Mr. President. My belief is, and my judgment is, that today Mr. Mazziotti's nomination should be rejected. If that takes place, I recommend to Governor Casey that he resubmit the nomination and, along with the resubmission of that nomination, indicate to Mr. Mazziotti that he should give his approval to the Ethics Commission to give that advisory opinion so that once and for all we can clear this issue and move forward. I think I am very safe in saying if that takes place and Mr. Mazziotti is able to prove to this Senate through the procurement of an advisory opinion from the Ethics Commission that it is proper and there is no conflict of interest for someone to receive the type of subsidy he has received and that that type of situation can take place and that person still serve without conflict ethically in that position, we will move forward and we will confirm him to that position.

I do not think it is unfair for us to ask to have that issue clarified. We want to cooperate. We have tried to cooperate up to this point and, Mr. President, we are still leaving the door open for that situation to take place. I would point out, in the meantime, while that process moves forward, he serves as the acting Secretary of Commerce, the same position in which he has been serving for many weeks. The value of his work can continue and, actually, there will be no interruption, no problems of any kind as far as this Administration or any benefits that he can bring to this Commonwealth are concerned, while that process takes place and moves forward.

Senator ZEMPRELLI. Mr. President, would the Majority Leader, the gentleman from Chester, Senator Stauffer, submit to a short interrogation?

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

Senator STAUFFER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I heard the gentleman suggest he is not particularly satisfied with the opinion of the Counsel General, that it might be somewhat flavored because of his association with this present Administration. My question, Mr. President, is, has the Majority Leader sought the legal opinion of any other counsel that has differed from that of General Counsel to the Governor or of the law firm of Kirkpatrick and Lockhart?

Senator STAUFFER. Mr. President, we have initiated the request to the Ethics Commission which can give the definitive legal opinion with regard to that question.

Senator ZEMPRELLI. Mr. President, the gentleman has not responded to my question, because he has already answered in his remarks that that opinion is not available to him under the present law and the composition of the Ethics Commission. My specific question is, has he sought the opinion of any other lawyer or law firm as to the legality of the Mazziotti appointment as it is before us at the present time?

Senator STAUFFER. Mr. President, my response would be that I have not, because I know of no other legal source that can speak to the question with authority.

Senator ZEMPRELLI. Mr. President, is that the gentleman's total answer?

Senator STAUFFER. I think it is a very complete answer, Mr. President.

Senator ZEMPRELLI. Mr. President, would the gentleman consider the same ethical problem to exist if, in fact, Mr. Mazziotti had received a severance sum when he left his private employment in one lump sum?

Senator STAUFFER. Mr. President, would the gentleman define what he means by "severance pay"?

Senator ZEMPRELLI. Very simply, Mr. President, we have engaged in the use of words like "subsidy." I am using the word "severance." I will use neither word and repeat the question. Does the gentleman believe there is an ethical problem if a party is paid a sum of money upon termination of his employment before he seeks or takes on public employment? I purposely avoided, Mr. President, either the use of the words "subsidy" or "severance."

Senator STAUFFER. Mr. President, as I understand severance, severance comes about as the result of a preexisting contractual agreement. In the situation we are dealing with here, there was no preexisting contractual agreement. This was something that was put together only after the invitation to come to the Cabinet had taken place and it was absolutely a subsidy to make up the difference between the salary the gentleman was earning and the salary he would receive in the new position.

Senator ZEMPRELLI. Mr. President, I really am very disappointed in the fact that the answer is not responsive. I purposely avoided using words of art that are subject to definition and would, first of all, preface by saying the gentleman does not understand what severance means if that is his definition of it, and I will stand on that. I will repeat my question, and that is, does the gentleman consider there to be the identical or similar ethical problem if a person receives an amount upon termination of his employment before he comes from the private sector into the public sector in one lump sum?

Senator STAUFFER. If there are severance payment agreements that exist, there is no problem with that, Mr. President, no. Not in the private sector.

Senator ZEMPRELLI. Mr. President, does the gentleman believe before it becomes ethical to receive a lump sum, there must be a prior agreement upon termination of employment in the private sector? Is that what the gentleman is trying to tell me?

Senator STAUFFER. No, Mr. President, I am not trying to say that. I recognize there may very well be circumstances. The point I have made that the gentleman has failed to understand is we do not know the answer and we would like to get the answer, and the Ethics Commission can give us that answer. All we are asking for is the cooperation to submit the question and maybe the answer the gentleman chooses to give may be the answer they will give as well, and that will settle the issue.

Senator ZEMPRELLI. Mr. President, the gentleman has not responded to the question, which I will try to make even simpler. Does the gentleman believe there is an ethical question if a person receives a lump sum upon termination of his employment before entering the public sector?

Senator STAUFFER. Mr. President, I think that would depend on many factors. It depends on what the preexisting rights were, what was involved in the position, and so forth. Just to ask a general broad question like that and have a very straight direct answer is impossible.

Senator ZEMPRELLI. Mr. President, let me give the gentleman a hypothesis. If I were working for "X" corporation and I was paid a lump sum upon termination or upon cessation of that employment to enter the public sector, would the gentleman consider that to be an ethical problem?

Senator STAUFFER. Mr. President, may I ask as one further part of that hypothesis, was there an existing agreement prior to the settlement?

Senator ZEMPRELLI. Mr. President, I sincerely submit that the question of whether there was a written or an oral agreement is not relevant. My question to the gentleman is, if somebody receives a lump sum upon termination of his private employment, is an ethical problem posed when he takes on public employment?

Senator STAUFFER. Mr. President, I absolutely believe that whether there is a prior agreement or not has a great deal to do with it, and I do not accept the gentleman's hypothesis.

Senator ZEMPRELLI. Mr. President, let me ask the gentleman so we have no problem. Is the gentleman suggesting that if there was a prior agreement, there is no problem?

Senator STAUFFER. Mr. President, if there was a prior agreement and that was the terms of the settlement, in my judgment there would be no problem.

Senator ZEMPRELLI. Mr. President, is the gentleman therefore saying if there was not an agreement in writing, that there is a problem?

Senator STAUFFER. Mr. President, I am saying there might be a problem and that is the question I would like to have answered.

Senator ZEMPRELLI. Mr. President, the gentleman is not, then, saying that there is a problem?

Senator STAUFFER. Mr. President, I have not said all along there is a problem. I have said there is a question and we need an answer to that question. There may be a problem. That is what I want to find out.

Senator ZEMPRELLI. Mr. President, in all of the gentleman's dissertation, has he suggested or is he suggesting that there has been a violation of any law of this Commonwealth of Pennsylvania?

Senator STAUFFER. Mr. President, I have not suggested that at this point, no.

Senator ZEMPRELLI. Mr. President, therefore, may I conclude that the gentleman is not suggesting that there is any violation of law?

Senator STAUFFER. Mr. President, I am not suggesting that there has been a violation of law. I am raising a question as to the ethics of the settlement and raising a question as to whether there might be a violation of law under our Ethics Act. That is the heart of the question that we are trying to get answered, but I am not suggesting that one has taken place. I do not know that at this point.

Senator ZEMPRELLI. Mr. President, is it fair for me to assume, then, that we are speaking only of an ethical question at this point in time?

Senator STAUFFER. Yes, Mr. President, I would think that is a fair statement.

Senator ZEMPRELLI. Mr. President, the gentleman seems to suggest that if a lump-sum payment is made pursuant to an existing written contract, there is not an ethical problem if a lump sum is paid. Is that correct?

Senator STAUFFER. Mr. President, if there is an existing contract, obviously, to live up to the terms, that contract would be right and proper.

Senator ZEMPRELLI. Mr. President, would it make any difference, supposing that there was a written contract, whether the sum was paid as a lump sum or paid in installments over a period of four years, or whatever?

Senator STAUFFER. Mr. President, I would find no problem with that. In fact, if I am not mistaken, although it is not a severance type of agreement, I believe the sale of the Governor's own part of the law partnership in which he previously existed had an agreement of that type.

Senator ZEMPRELLI. Mr. President, so the gentleman is saying if there was an existing contract in writing that provided for the payment of "X" amount of dollars and it made up the difference between the salary that he was getting with

“X” corporation and any salary that he might be receiving thereafter—as unusual as such a contract would be—that that would not raise an ethical question, believing the genesis of that conclusion is based upon a preexisting written agreement?

Senator STAUFFER. Mr. President, if there were vested property rights in that agreement, I would have no problem with honoring those vested property rights.

Senator ZEMPRELLI. Mr. President, now that I understand the gentleman’s position, I have no further questions at this time. I would like to draw a couple of comparisons and try to explain why the issue is a superficial one.

Mr. President, I am not comfortable in what I am saying here, but I need to respond to what the gentleman has said. He spoke about a cloud and it being an unusual situation. Mr. President, I do not think the situation is so unusual, and I do not really think there is a cloud in this circumstance. I wonder how many persons over the course of the history of this Commonwealth have received severance pay from their employer in order to go into public service? I do not find anything wrong with that, and I would not find anything wrong with the method of payment, because you and I are all sophisticated enough to understand that we have tax problems and tax implications through the manner in which we are paid. But more specifically, what standard are we setting for ourselves? And I do not exclude myself. Mr. Mazziotti is not voting on any issue that comes up before this Commonwealth. Mr. Mazziotti is an administrator, a secretary of a department, who is now being clouded with a suspicion of an ethical question. I have a problem with that. On a comparative basis, I wonder why the various PACs of the special interests of this Commonwealth contribute to the two major parties, as well as to the individual Senators who vote on issues. And on a comparative basis, I wonder how bad Mr. Mazziotti’s situation is in a nonvoting situation who accepts a severance pay from the private sector to do de bonis publico in the public sector. I just wonder. I cannot draw the distinction, and yet I do not think there is any illegality in the instance of the campaign contributions, and you know I have spoken on behalf of PAC contributions and what it means to the system. To distinguish it further, from information that I have, I understand that the round table is a composition of many business interests, and so that they might feel good in what they were doing, Mr. Mazziotti does not even have the benefit of knowing who his contributors are. It becomes interesting because the Majority Leader alludes to a letter from the law firm of Lockhart and Kirkpatrick in which the suggestion is that it is ethical to give, and if you follow any kind of reasonable rules of interpretation, it would seem to me that if it is ethical to give, it is also ethical to receive, and I have difficulty understanding how a different standard of ethics applies in a given situation such as we have before us.

Mr. President, this is a smoke screen, an absolutely incomprehensible determination on the part of the Majority Party to shoot down Mazziotti, a sidestep issue. The only issue that is involved here is whether or not there has been a violation of

the law. There is an admission that there was no violation of the law, and I would hate to think that we would establish a standard where we as a Body by majority can become higher than the law. If anything, Mr. President, the reasoning that has been employed by the Majority Leader suggests all the more the very early and urgent confirmation of Mr. Mazziotti. As a parting shot, when the gentleman says he did not know of any other situation that was comparable to this because it was so unusual by its nature, I would remind him of one signal situation that comes to my mind that I think is equally as culpable, if culpability is in play at all. How do you justify an affirmative vote on Dr. Muller as Secretary of Health while at the same time he was on the staff of the Hershey Medical School? Does that not give cause for concern as to the standards which we would apply in one situation and not another? Do not misunderstand me. I had no problem with Dr. Muller being a member of the medical staff at the Hershey Medical School, because it provided him with the kind of subsidy that allowed him to take the job of Secretary of Health in accordance with the standards that we establish and his professionalism and his training and his experience in knowing what he would have to compete with in the private world.

So the question recurs, the issue is, did Mr. Mazziotti violate the law? And when we get to the ethical question, how unethical was Mr. Mazziotti in the real world of the circumstances that you and I know exist and must exist if we are going to attract the Mazziottis of the world into public service?

It is as simple as that. When this dialogue is finished today and this vote is cast, I tell you by commitment that the issue does not change. I have been unimpressed with the arguments that have been used by the Majority Party. And since when, and this is finality, have the actions of a party prior to his termination of employment and acceptance of public employment become an issue of ethics for the Ethics Commission? Is not the purview of jurisdiction those acts that were committed or not committed by an individual during his term of public office, the ones for consideration, rather than those that may have preceded him? Meaning, of course, that if you found some ethical question unrelated to the circumstance or one of which would tug at your heart to suggest that the party that was before us does not have the character to represent this Commonwealth in a high-standing job that he will succeed to, then you would exercise that right and only then. I am suggesting to you, Mr. President, I have heard no such dialogue. I have heard no such scathing in character about Mr. Mazziotti. Everything I have heard in the private sector, as well as the public sector, with the exception of the Majority in this Body, has been positive, and that is what it is all about and that is why we are asking for his confirmation.

Senator LEWIS. Mr. President, when it comes to the matter of dealing with ethics, there is no person in this Chamber for whom I have a greater regard than the Majority Leader. He and I have served on the Committee on Ethics of this Senate from the date of its inception. We have had occa-

sions when the issues before us have been very trying, and when we have had to compare our basic thought processes and analytical capacities as they have been applied to fact situations, I have always found a tremendous coincidence of thought with the Majority Leader and, certainly, in every situation a total dedication to doing what is right and proper and good for the Commonwealth of Pennsylvania. It is with that background I have listened most carefully to the comments and the conclusions which he has offered with regard to Don Mazziotti and the severance payment he received from the Business Round Table.

Mr. President, I find myself perplexed because the words I hear today seem to me to simply be a very creative and imaginative effort filled with nuances and semantics. As he quoted the Ethics Act, the Majority Leader pointed out to us that the proscription is not only against activities which are proscribed but as well against being involved in anything which gives the appearance of impropriety. I subscribe to that standard and, in fact, frequently we have all been aware of situations where the perception of one's conduct, in fact, can carry a greater impact than the reality of the events that have actually occurred. As I listened and attempted to apply that standard to what I was hearing, a strange thing happened. It seemed to me that maybe the words and the reality of the arguments as they were being presented was not that upon which I should focus, but, rather, a perception that was trying to be created or presented to those who were listening. I stopped and thought for a moment as I reviewed in my mind the history of the involvement of this Senate with respect to this nomination. I recollect that the initial nomination or the initial recommendation made by the Governor was to nominate Mr. Mazziotti as the head of the Economic Development Partnership, and that in the weeks that ensued after that announcement by the Governor, there was great fuss by our colleagues on the other side of the aisle who insisted that any nomination would have to be for the traditional position as Secretary of Commerce. I wondered why they insisted upon that at the time. I recollected as I sat here and listened to the arguments, the events before the committee that interrogated Mr. Mazziotti, and particularly the issues with regard to the severance pay and the give-and-take that occurred with respect to that, and I had to wonder why the Members of that committee, having been through that situation and having listened to the commentary, then would have voted in the affirmative to positively recommend the nomination to the floor of the Senate. I listened as the Majority Leader talked about his letter seeking access to the State Ethics Commission and have to wonder why all of those things were not brought forward in some changed fashion earlier than on the floor of this Senate today, unless it was for some intent or attempt to create a perception that could not be sustained by the reality of the events themselves. I listened as well as the gentleman from Chester, Senator Stauffer, talked about what he thought was a most unusual situation before us today, and he went on at some length about what he saw as the uniqueness of the situation with regard to what he categorized as subsidy.

While I do not choose to debate the use of terminology here—I think the gentleman from Allegheny, Senator Zemprelli, has done that quite well—the thought that came to my mind was that we are not dealing at all with a unique or unusual situation. In fact, Mr. President, I am absolutely convinced that what we have in front of us today is a quite common occurrence. I would be tremendously surprised if a polling of the members of the Cabinet of the prior Administration did not reveal widespread occurrences of severance pay having been made to those persons from their prior business activities before coming to work for government. I think we accept it as being commonplace that attorneys, that nominees for the Supreme Court of this Commonwealth have received large, lump-sum payments from their businesses before engaging and embarking upon public service. It is, in fact, a very common and usual occurrence for those who are leaving the private sector and coming into the public sector, particularly in an unelected situation. What I think is unusual is that we now have the opportunity to review the job that has been done by an individual for nearly six months with this Administration. I do not think we need to deal with abstractions. I do not think we need to deal with nuances and legal niceties of opinions from one law firm or another set of attorneys, whether they be privately engaged in Pittsburgh or publicly retained by the State Ethics Commission. I think what we have is an opportunity to view facts and the reality and form an opinion for ourselves based upon what we have seen and the product that has been produced by the efforts of this individual and the team he has built around him.

As I have reflected upon those six months and listened to the comments made by the gentleman from Allegheny, Senator Zemprelli, about the business expansions in which this Administration has been involved and the prospects currently being developed, it has occurred to me that the product of that work has touched virtually every one of the Senate districts represented by the people who are sitting in this room. I had to wonder whether there has been a sense of impropriety, a question of ethical appropriateness that has been raised at any of the times when any of us have stood before our constituents accepting the glories of the economic development which has been the clear and singular hallmark of the work and the efforts that have come from Don Mazziotti and the team he has built around him. I had to wonder, with regard to the gentleman from Lebanon, Senator Brightbill, and the Cleaver Brooks affair when he stood with the Governor and acknowledged the work that has been done by Don Mazziotti in getting the union to accept the contract and saving the jobs in his district, whether there has been a question about the competence of this man whose nomination is before us today. I had to wonder what the thoughts were that went through the mind of the gentleman from Forest, Senator Peterson, as he reviewed the Imperial Oil Well Works in Oil City and the development of the old USX facility into an industrial park through the efforts of the response team that Don Mazziotti has put together. I had to wonder how the gentleman from Northumberland, Senator Helfrick, felt as he stood with the

Governor accepting the accomplishments of Don Mazziotti's group with regard to the Holland Daily Fresh project holding onto a hundred permanent jobs; or the Foster-Wheeler cogeneration plant in Berwick that also received the efforts of that economic development team; or I wonder how the gentleman from Mercer, Senator Wilt, felt as he has worked with the Governor with regard to the refinancing and the negotiating that has been taking place with regard to saving and assuring the viability of the Sharon Steel plant, and the work that Don Mazziotti has done with respect to that; or how the gentleman from Bradford, Senator Madigan, has felt as he stood with the Governor's people and accepted the benefits with Kellogg acquiring the old Frito Lay plant and retaining the one hundred or so workers who had been laid off their jobs in his district; or with respect to the Grumman Allied manufacturing project that has been retained because of the efforts of this economic development team that has been put together. Mr. President, I do think we have a very unique opportunity, and I am reminded, as I am shuffling through my notes, that we also had, in the district of the gentleman from Butler, Senator Shaffer, the new Forge Works in New Castle and the subsidy that has come forth with regard to that.

I do not mean to try to minimize the significance of the question which the Majority Leader has raised. I believe we all have to be deeply concerned about whether there are any improprieties, whether there are any questions or appearances of ethical improprieties with regard to either Don Mazziotti or anyone else who chooses to serve in state government. The point I am trying to make is that we have had six months to deal with reality, and today what I am hearing are arguments based upon abstraction and speculation, and I find a complete absence of recognition and acknowledgment of the real accomplishments that have been achieved. I have to wonder as I review all of that, what really is happening here today. I find myself perplexed by it. Is there some desperate act here to strike back at a Democratic Governor who has won the praise of the business community in Pennsylvania? Is there some attempt to divert attention from the embarrassment of the failures of the prior Administration along these lines of economic development or is it simply old-fashioned political muscle, business as usual in the Pennsylvania Senate, the same kind of game we saw played a few weeks ago with regard to judicial nominees?

Mr. President, I am saddened. I am confused. I am disappointed because today as we debate the issue of whether we will confirm an individual for the most important economic development position in the Commonwealth of Pennsylvania, I hear nothing being said from those on the other side of the aisle about the capabilities of the person, about his enthusiasm, about his accomplishments, about the proven track record that he has put together in the six months he has been part of this Administration. Rather, I hear questions based upon speculation and very artful use of language which, I believe, have been more than adequately answered by some of the best legal minds in this Commonwealth and, more importantly, I think they have been answered for us by our

own observation of the facts and they clearly show there are no problems, there are no strings, there are no lingering effects of the severed business arrangement which in any way, shape or form are going to have any negative impact upon the duties which this individual is attempting to carry out for this Commonwealth.

For many years we have heard of the need to try to create a better climate, a better environment for business in the Commonwealth of Pennsylvania, and in legislative debate on a variety of issues, I have listened to my colleagues implore us to take action to achieve those objectives. It is my opinion that today, if there is a negative vote cast on this nominee, the very opposite of that message is going to be sent not only throughout Pennsylvania but also throughout this country, by telling those who are beginning to look at Pennsylvania as a positive business opportunity that the very individual who has been in the forefront of making those opportunities occur has been cast upon the stones and rejected because of some theory which has not been substantiated by any hard fact or solid legal opinion. I cannot think of any worse way to send the wrong message to the business concerns across this nation. We have begun to make this an attractive Commonwealth. We have begun to show that individual effort can make a difference. A negative vote by this Senate today would push us in exactly the opposite direction. I would ask those of you who have worked with this nominee, those of you who have stood with the Governor and accepted the accomplishments of this Administration in your districts, to recognize the beginnings of the efforts that are in place and to recognize that the confirmation of Don Mazziotti is an important part to continuing those positive efforts for this Commonwealth.

Senator BRIGHTBILL. Mr. President, the gentleman from Allegheny, Senator Zemprelli, when he mentioned Secretary Muller, got me to my feet, and the gentleman from Bucks, Senator Lewis, when he talked about Cleaver Brooks, got my blood circulating. He said he was confused. Yes, he is confused, and I am here to stand and vouch for his confusion. You see, Mr. President, I was the one who came to the Administration and said, "Would you help at Cleaver Brooks?" I was the one who came to this Administration with the representatives of labor and representatives of management, and I was the one who watched as your Administration did an outstanding job with Cleaver Brooks. I am the first one to say that but for the intervention of Governor Casey, perhaps that potential labor conflict would not have been settled. But, you know, Mr. President, I never talked to Mr. Mazziotti. He was not involved. Here he is taking credit and he was not even involved. It was the Secretary of Labor, Secretary Wofford, who did a wonderful job. Now we are spreading around the credit. We are spreading the credit and now all of a sudden that has something to do with this. Well, it does not, Mr. President.

The other name that got me up and kind of gets my blood boiling is the name of Secretary Muller. You know, while I sat here and when I walked into this, this all was a little bit remote. We were talking about the future and we were talking

about precedents and we were talking about a lot of things that people do not relate to. Then the gentleman from Allegheny, Senator Zemprelli, said the magic words and I related. He said "Secretary Muller." What did that bring back memories of? It brought back memories of a caucus in which we, as a Senate, voted to fund an additional facility at the Hershey Medical Center. It brought back phone calls when I tried to get a veto to that funding because my local hospitals were upset. It brought back memories of one of my local hospitals filing a suit because they did not think they were getting fair treatment. I say to the gentleman from Allegheny, it also brought back memories of my local hospital having a \$180,000 facility turned down by Secretary Muller, and they are telling me that they thought it was because of his involvement with the Hershey Medical Center and had nothing at all to do with the merits. If it was wrong then, it is wrong now. Do not tell me this is not a matter of principle and do not tell me that this is not important. It was wrong then. We should not have a Secretary of Health with those kinds of interests and we should not have a Secretary of Commerce with those interests.

Let me just talk a little bit generally. We used the word "subsidy" and we have used other words. Is it a subsidy? Is it this? Is it that? I am going to tell you what it is. You talk to the tax lawyers and they will define it for you. It is a gift, G-I-F-T. It is very, very simple, Mr. President, very simple. That is all it was. I think if I go back to Professor Broughton, my law school professor in Property, he would say it appeared to be an unconditional gift. Let us see how unconditional it was. We are talking about a hypothetical. How about these hypothetical: let us suppose after that gift was approved, Mr. Mazziotti were to find a \$90,000 job in Washington and take it. Do you think those givers would have felt short-changed? Do you think the people who made that gift, hoping he would become the Secretary of Commerce, would have felt they were not treated fairly, that Don Mazziotti was not fair with them? They say, oh, this was an unconditional gift. Suppose he had left the job, Mr. President. Would it have been unconditional?

I made some gifts in my lifetime, and I am going to 'fess up to one I made—and maybe this is not a good part of my character. The first year I was here as a Senator, I wanted to make a small token gift to my staff, so I gave each one of my staff members \$25, put it in an envelope for a Merry Christmas. It was the only time I did it. Here is the flaw. You know why I did not repeat those gifts? Because one of my staff members told me he took that \$25 and he went right to Atlantic City and he lost it. I was offended and that was an unconditional gift, but you know what? That is human nature. I am the giver and I do not care. I have seen it as a lawyer, from parent to child. I have seen it many, many times. People want to make gifts, but they very, very seldom are truly unconditional.

Everyone has gotten up on the other side and said how clear this is. How clear is it? If it is so clear, why do we not have Don Mazziotti write a letter to the Ethics Commission and

make it clearer? If it is so simple, why not do it the simple way? You say we are playing politics. No. We are doing the right thing. Just because it happens to be going your way and it is your Governor, you are going to support it, and that is as political for you as you say it is for us. If it is so darn simple, if it is so easy to resolve, let us resolve it. Let us do that. We are going to vote on this tonight and we can reconsider the vote, and Mr. Mazziotti can come forward tomorrow and say, "Hey, I will submit this to the Ethics Commission. That is no problem at all." What we are doing here tonight, the world is not going to come to an end. We are not going to have everybody thrown off.

I am going to ask one last question. Today we confirmed Sally Hargrove. We have been here and we have confirmed Cabinet member after Cabinet member and we have done it willingly, we have looked at their credentials, and, frankly, the Governor has made good appointments. I, for one, would be a very strong booster, for example, of Harris Wofford. I think he did a spectacular job. I voted to confirm him and I am proud that I did. Now they are saying we are picking on Don Mazziotti. Why would we be picking on one? For what reason? Are we opposed to economic development? Is that why? No, Mr. President, it is because we are concerned. I know what the men in this caucus have been saying for weeks because I have been listening. I know they would like to vote to confirm someone to this post and get this Commonwealth going full steam ahead in economic development. I am going to submit this: if Don Mazziotti and Morey Myers were as concerned about economic development as they say they are and if they were as sure that what they are doing is absolutely ethically correct and legal, then there is absolutely no reason why they would pause to send that letter and get that opinion and get this Commonwealth moving.

Senator AFFLERBACH. Mr. President, we have heard a lot in the last few moments about the idea of subsidy and the idea of gifts and, indeed, my colleague, the gentleman from Lebanon, Senator Brightbill, suggests this particular amount of money that was paid to Mr. Mazziotti is not an unconditional gift, but it somehow has strings attached to it. I suggest to you as the gentleman from Allegheny, Senator Zemprelli, did, that this particular kind of a sum is no different than every one of us who accepts PAC contributions to allow us to become Members of this Body or to allow us to run for whatever elected office. That PAC contribution is a gift, and if any of us think there are not certain ideas attached to it, then they are either being deceptive or fooling themselves, because they know people do not give money to somebody unless there is a reason behind it. That reason is perfectly legitimate in many cases. It is a shared point of view and nothing more than that.

But, the fact is it is a gift, because everyone here who accepts that PAC dollar knows as well as I do that for every PAC dollar we accept it is one less dollar out of our pockets, out of our personal funds, that we need to put into our campaigns. Therefore, while it may not be a direct application to our salary, so to speak, or to our living expenses, it certainly is an indirect one. Yet, we accept those PAC gifts and we see nothing unethical about that.

It has been suggested that this private organization which paid the sum to Mr. Mazziotti may have some strings attached. It has been suggested it is not a free gift. It has been suggested it is not severance pay. But, could it not be just a simple fact that this particular business organization has become so dismayed at the pitiful performance of the Department of Commerce and its revolving door Secretaries over the past eight years that they were more than anxious to see a very capable individual head that department and more than anxious to be able to have that happen? I suspect that is just as much a possibility as any other suggestion that has been made here this evening.

I would care to interrogate the gentleman from Butler, Senator Shaffer, but, unless my eyes deceive me, I do not believe he is available at the moment. If I were to interrogate him, I would confirm, first of all, that he was the chairman of the committee which held the hearings on Mr. Mazziotti, and that, as the chairman of that committee, he, indeed, put Mr. Mazziotti under oath before receiving his testimony and before asking him to respond to certain questions. While under oath before that committee, I would confirm of Senator Shaffer that Mr. Mazziotti was, indeed, interrogated at depth about this particular issue and that in his opinion—that is, Mr. Mazziotti's opinion—under oath he saw no conflict of interest and he saw no entangling alliances. He saw what is plain and simple severance pay, and what can be more final than severance, by definition? Yes, there is a reason it is spread out over several years, and the reason is patently obvious to many individuals in here, and that is because of taxation purposes. The taxation advantage is to spread a severance pay over several years as opposed to one lump sum, and for investment purposes. Investment purposes can also be utilized. In any event, however the offer was made, whether it was in a lump sum or whether it was to be spread over several years, it is still a severance pay. It is my understanding that he did receive it in one lump sum, whatever the discussions were.

I ask again, what can be more final than severance? It is not a leave of absence. The issue here very simply is not what an Ethics Commission may rule, but the fact that the Majority refuses to accept Mr. Mazziotti's testimony under oath before a committee of this Chamber. That is what is at hand.

The situation as it is occurring tonight reminds me of something very similar which the gentleman from Erie, Senator Andrezeski, experienced very recently as he went out to prepare for a pig roast. He went out to find a small pig for this roast and he went to a local farmer who was well known for raising such good animals. As he was viewing the stock of the farm, he noticed there was one animal there that had only three legs. He said to the farmer, "Listen, why does that particular animal have only three legs?"

The farmer said, "This is a very, very special animal. This animal saved my family's life. One day when the house caught on fire, this animal came in through the window and awakened us so we could get out with our lives."

Senator Andrezeski said, "Well, that is fine, but why does he have only three legs?"

"I am telling you, this is a special animal," the farmer replied, "a very special animal. Not long ago my tractor upset as I was coming out of the barn and pinned me to the ground and this animal went and alerted my wife and got her out of the house so she could call for help and it saved my life."

Senator Andrezeski said, "Well, that is fine, but why does the animal have three legs?"

The farmer responded, "Goodness gracious, you do not eat a very special animal all at one time."

I suggest to you that is what is happening on the floor here today. The Majority Party is intent upon cannibalizing Mr. Mazziotti despite the recognition of the Majority Leader that he has been performing very valuable work and is, indeed, a very special member of this Governor's Administration. If any member of the Administration has proved his worth to this Commonwealth prior to seeking the confirmation of this Senate, it is certainly Donald Mazziotti and he certainly deserves our confirmation.

Senator KELLEY. Mr. President, although well stated, I am not persuaded at all by the comments of the gentleman from Bucks when he went down the litany of the successful activities of this temporary incumbency in the Secretary of Commerce position. I believe the gentleman from Chester makes a very good point. May I remind you, Mr. President, he started off by saying, "I do not want to do a disservice to the people of Pennsylvania," and he said he had no problems with Mr. Mazziotti's qualifications, and that is why I have no problem with the well-stated argument of the gentleman from Bucks. It is inarguable. This man is competent and has done a successful job in that position for six months. The point that was raised by the gentleman from Chester was the fact that there was an ethical question in his mind. Of all the dialogue that has taken place, the only relevant address to that, in my opinion, was just made by the gentleman from Lehigh. You see, the real question that each of us has to answer is whether or not we are going to abdicate our individual judgments of the record. That is the sole question. I choose not to abdicate my discretion on any issue. To suggest that we reject this nominee and have the Governor resubmit it subject to the condition of the Ethics Commission making a ruling is preposterous and self-insulting to this Body. I would like to suggest, Mr. President, that now, not later, not based on some external opinion, that each one of us today, tonight, must live with the decision of evaluating the ethical condition, and may I very briefly just share with you my thoughts. I think the gentleman from Lebanon was very correct to respond as he did. I think it showed a sensitivity of a reality where there is a continuing conflict of interest, that it worked adversely to the interest to the people of this Commonwealth, but, Mr. President, we are not dealing with a continuing conflict. We are dealing with a negotiated severance lump sum payable over a period of years. May I say if there is any ethical question on the recipient, there is an equally questionable ethical question on those who arranged it, the members who negotiated for the economic round table, the Business Round Table. But, that is collateral, Mr. President. The point I want

to make is, and other suggestions that have been alluded to by the gentleman from Bucks, where we have had a nominee for the Supreme Court who then had to go and negotiate a severance value of an interest, no one raised the question then. We talked about it and brought it out in the hearings for confirmation, and as the gentleman from Lehigh said, if the chairman of the committee would have been present, he would have cleared him, but we all know pretty much the record. The gentleman from Chester has alluded to it. What is the ethical question? Each one of us has to answer it. I am saying there is no unethical result in my judgment because it has been out front. It is noncontinuing. It is a set agreement. It is not something where he is going to have continual paycheck unemployment. May I suggest, also, Mr. President, Dr. Muller also did not have that job, and I remind the gentleman from Allegheny County he also had a second outside job in Carlisle, Pennsylvania. We raised those questions at the time, but maybe we did not get deep enough to see the potential ethical aspect that was pointed out by the gentleman from Lebanon. But in this position today on the ethical question, we have to answer the question today, and any one of us who wants to abdicate and rely on some external determination or evaluation is only running and shirking from his responsibilities. I urge, Mr. President, on the record, a vote of confirmation, not because of his qualifications and the success of his office so far, but, rather, on the issue raised by the gentleman from Chester, is there an ethical question? Yes, there is always an ethical question. Was there a violation of ethics? Absolutely not.

Senator ZEMPRELLI. Mr. President, my colleague and friend, the gentleman from Lebanon, Senator Brightbill, I am sure was very sincere in his remarks. When I saw him point his finger at me, I knew very well that he was extremely honest in his feelings and in his expressions. He did, however, pose several questions. I am not sure whether they were rhetorical or they were meant to be answered, so I, therefore, take upon myself the responsibility of answering.

What we are about here is not a matter of little consequence. I think the remark that was made by the gentleman from Bucks, Senator Lewis, is, perhaps, more apropos than any in dealing with it. What message are we sending to the people of Pennsylvania, and particularly the business community? We know they have been dealing with at least 200 different enterprises in terms of bringing them into the Commonwealth of Pennsylvania. He asked the question, why would we be picking on Mazziotti if we are not picking on anyone else? Mr. President, there is an answer that fits that question. I hope I am wrong. The answer is that the Majority Party is afraid he will succeed. Mr. President, the question was raised about Dr. Muller, and the allusion here was made, I believe, to Justice Kauffman, as I recall the circumstances of his severance. The only question I pose in both of these instances is, has anybody ever submitted a request to the Ethics Commission relative to Dr. Muller then or now? Did he do the right thing? I wonder if any other doctor with respect to being Secretary of Health would have ruled precisely the same way that

Dr. Muller did in the instance that had become so emotional with the gentleman from Lebanon, Senator Brightbill. I am not sure. I do not know, but I do not exclude the possibility. I do know that nothing was ever done about Dr. Muller and I support that it should not have been done, and I would suggest to you that Dr. Muller is probably just the tip of the iceberg that would fit the description of that which we are complaining about here today. So I repeat, why would you want to knock down Don Mazziotti? I hope I am wrong. I think you fear that he will succeed in what he is about.

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, I would ask for temporary Capitol leaves for Senator Greenwood and Senator Pecora who have been called from the floor.

The PRESIDENT. Senator Stauffer requests temporary Capitol leaves for Senator Greenwood and Senator Pecora.

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

The PRESIDENT. Senator Lincoln requests temporary Capitol leave for Senator Fumo. Are there objections to the leave requests? The Chair hears none. The leaves are granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—23

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

NAYS—26

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

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

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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AMENDED

HB 87 (Pr. No. 1695) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the celebration of the 200th Anniversary of the first reading of the newly adopted United States Constitution; and providing for a Joint Session of the General Assembly to be held at Independence Hall in Philadelphia, Pennsylvania.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3, page 3, lines 24 through 28, by striking out all of said lines and inserting: At 1:00 p.m. on Friday, September 18, 1987, a Joint Session of the General Assembly shall be held at Independence Hall, Philadelphia, Pennsylvania, in commemoration of the Constitution's first reading.

Amend Sec. 4, page 4, lines 8 through 12, by striking out all of lines 8 through 11 and "1986," in line 12 and inserting: Chief Clerk of the Senate and the House of Representatives jointly in the act of 1987, (P.L. , No.), known as the General Appropriations Act of 1987,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 281 (Pr. No. 295) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for the definition of "superannuation or normal retirement age."

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—49

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

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 409 (Pr. No. 1062) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), entitled "Divorce Code," further providing for grounds for divorce, procedure, jurisdiction, marital property, relief and alimony; providing for agreements between parties; making editorial changes; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 11, by inserting after "301": , 304

Amend Sec. 1 (Sec. 201), page 4, line 25, by striking out "(a), (b)" and inserting: (c)

Amend Sec. 1 (Sec. 201), page 4, line 27, by inserting after "ANY": other

Amend Sec. 1, page 6, by inserting between lines 9 and 10:

(d) A proceeding for divorce or annulment may be brought in the county:

(1) Where the defendant resides.

(2) If the defendant resides outside of this Commonwealth, where the plaintiff resides.

(3) Of matrimonial domicile, if the plaintiff has continuously resided in the county.

(4) Prior to six months after the date of final separation and with agreement of the defendant, where the plaintiff resides, or, if neither party continues to reside in the county of matrimonial domicile, where either party resides.

(5) After six months after the date of final separation, where either party resides.

Section 304. Hearing by master.

A master may be appointed by the court to hear testimony on all or some issues, except issues of custody and paternity and return the record and a transcript of the testimony together with his report and recommendation as provided by the Rules of Civil Procedure, or a judge of the court in chambers may appoint a master to [take testimony] hold a nonrecord hearing with recommendations and return the same to the court, in which case, either party may demand a hearing do novo before the court.

Amend Sec. 1 (Sec. 401), page 6, line 30, by inserting after "fees": , costs

Amend Sec. 1 (Sec. 401), page 8, line 28, by striking out "AGREEMENT" and inserting: acquired

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?

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

Amend Sec. 3 (Sec. 403), page 14, lines 10 and 11, by inserting a bracket before "who" in line 10 and after "or" in line 11

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 GREENLEAF.

BILLS OVER IN ORDER

SB 678 and 738 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AMENDED

SB 7 (Pr. No. 1112) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation and licensing of mortgage bankers and mortgage brokers; imposing additional powers and duties on the Department of Banking; and providing penalties.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LEWIS offered the following amendment:

Amend Sec. 4, page 5, line 23, by striking out "Corporate mortgage" and inserting: Mortgage

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 LEWIS.

BILL REREFERRED

HB 98 (Pr. No. 1468) — The Senate proceeded to consideration of the bill, entitled:

An Act creating a commission to ensure the coordination of efforts to observe the 125th Anniversary of the Battle of Gettysburg and Lincoln's Gettysburg Address.

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

BILL OVER IN ORDER

SB 152 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL REREFERRED

SB 250 (Pr. No. 261) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing the provision of instruction by telecommunications system equipment for homebound children; further providing for payments on account

of instruction of certain special education and homebound children; and making editorial corrections.

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

BILL ON SECOND CONSIDERATION

HB 279 (Pr. No. 303) — The Senate proceeded to consideration of the bill, entitled:

An Act designating December 7th as "Pearl Harbor Remembrance Day."

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 324 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 365 (Pr. No. 398) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1937 (P. L. 1969, No. 389), known as the "Electric Cooperative Corporation Act," further providing for directors' liability and indemnification.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 369, SB 401 and 426 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL LAID ON THE TABLE

HB 429 (Pr. No. 467) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the regulation of telephone companies that provide recorded message calls.

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

BILL REREFERRED

SB 516 (Pr. No. 1134) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," further defining certain transit entities; requiring one-third local or private funding matches for State grants, with certain exceptions; requiring the adoption of service standards and performance evaluation measures; removing certain limitations in State grants; and further providing for annual appropriations and new formulas for distribution of the appropriations to transportation organizations and companies.

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

BILLS ON SECOND CONSIDERATION

SB 519 (Pr. No. 572) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the creation of a Statewide program to support and guide public schools in this Commonwealth in the establishment of extended school day-care programs for latchkey children; defining eligibility; further providing for the powers and duties of the Department of Public Welfare; and making an appropriation.

Considered the second time and agreed to,

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

SB 525 (Pr. No. 578) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 526 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER AND RECOMMITTED

SB 617 (Pr. No. 1031) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for consumer contracts; requiring plain language to be used in consumer contracts; and providing for damages and limitations thereon, for opinions, for guidelines and for injunctive relief.

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

Pursuant to Senate Rule XI, the bill was recommitted to the Committee on Consumer Protection and Professional Licensure.

BILLS ON SECOND CONSIDERATION

SB 659 (Pr. No. 741) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, adding provisions relating to psychologists; and making editorial changes.

Considered the second time and agreed to,

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

SB 700 (Pr. No. 785) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," further providing for annual assessments for the association of district attorneys.

Considered the second time and agreed to,

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

SB 701 (Pr. No. 786) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for annual assessments for the association of district attorneys.

Considered the second time and agreed to,

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

SB 703 (Pr. No. 1059) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a program within the Department of Commerce to provide technical and financial assistance to manufacturers to enable them to remain technologically competitive in their fields; providing funds for technology assessments and professional services, and loans for technological improvements; and conducting technology information outreach.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 719 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS REREFERRED

SB 744 (Pr. No. 1133) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the creation, establishment, operation and administration of community colleges; imposing additional duties on the State Board of Education, the Department of Education and the council of Higher Education; authorizing the sponsorship of community colleges; providing for the imposition of additional taxes; authorizing Commonwealth reimbursements; and making repeals.

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

SB 752 (Pr. No. 870) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the payment of gratuities to children of certain veterans.

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

BILL ON SECOND CONSIDERATION

SB 805 (Pr. No. 1060) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of a program to coordinate job training, job placement and other services for persons receiving aid to families with dependent children; imposing additional powers and duties on the Department of Public Welfare; and providing for insurance coverage for basic health-care benefits to qualified individuals.

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

BILL REREFERRED

SB 841 (Pr. No. 1012) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing the Pennsylvania Writing Project, designed to improve the writing skills of teachers and students of this Commonwealth; imposing additional powers and duties on the State System of Higher Education; and making an appropriation.

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

BILLS ON SECOND CONSIDERATION

SB 852 (Pr. No. 1113) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing an employer contribution rate for members of an independent retirement system.

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

SB 854 (Pr. No. 1044) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 8, 1986 (P. L. 437, No. 92), entitled "Pennsylvania Agricultural Fair Act," placing limitations on grants for capital improvements; and making an appropriation.

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

BILL OVER IN ORDER

SB 872 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL REREFERRED

SB 873 (Pr. No. 1076) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 11, 1972 (P. L. 899, No. 213), entitled "An act providing scholarships for certain dependents of members of the armed services who while on active duty are taken as prisoners of war or are reported missing in action and making an appropriation," extending eligibility to dependents of members of the armed services who are killed in the course of service; increasing the maximum academic year grant; making an appropriation; and providing for funding of grants.

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

HB 245 TAKEN FROM THE TABLE

Senator STAUFFER. Mr. President, I move that House Bill No. 245, Printer's No. 1622, be taken from the table and placed on the Calendar.

The motion was agreed to.
The PRESIDENT. The bill will be placed on the Calendar.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEE

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

SB 275 (Pr. No. 289) (Rereported)

An Act creating the Coroners' Education Board; requiring coroners and certain deputies to take a course of instruction and an examination; and requiring continuing education.

SB 415 (Pr. No. 452) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for alcohol and drug detoxification, treatment and care medical assistance payments by the Department of Public Welfare.

SB 440 (Pr. No. 477) (Rereported)

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making repeals.

SB 515 (Pr. No. 1172) (Amended) (Rereported)

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), entitled "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding projects in Beaver County, Centre County, Crawford County, Fulton County, Greene County, Lehigh County and Mifflin County; reallocating funds for a project in Washington County; and making mathematical corrections.

SB 562 (Pr. No. 796) (Rereported)

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for expenses of delegates and officers who attend the State association annual meeting.

SB 563 (Pr. No. 797) (Rereported)

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for expenses of delegates who attend the State association annual meeting.

SB 564 (Pr. No. 798) (Rereported)

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for expenses of delegates and mayors incurred in attending meetings and conventions.

SB 586 (Pr. No. 1173) (Amended) (Rereported)

An Act amending the act of July 10, 1986 (P. L. 1398, No. 122), entitled "Energy Conservation and Assistance Act," further expanding the definition of "energy conservation and assistance programs"; and making adjustments to the duration of the programs.

SB 664 (Pr. No. 747) (Rereported)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for contracts with private residential rehabilitative institutions.

SB 838 (Pr. No. 1009)

An Act making an appropriation to the Pennsylvania Emergency Management Agency to upgrade the State fire training facility at Lewistown.

SB 864 (Pr. No. 1174) (Amended) (Rereported)

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," extending for two years the period during which Class III and apparel industry loans may be made; and authorizing apparel industry loans for technical assistance.

SB 869 (Pr. No. 1072) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for audits of the unified judicial system by the Auditor General; and making an appropriation.

HB 689 (Pr. No. 1492)

An Act providing for the revitalization of rural Pennsylvania; establishing the Center for Rural Pennsylvania; providing for rural education partnerships and adult literacy programs; allocating funds appropriated to the Department of Commerce for a Regional Center for Continuing Education of Health Science Practitioners in western Pennsylvania; making appropriations; and making a repeal.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Marigo Vanim by Senator Afflerbach.

Congratulations of the Senate were extended to Frank P. Strock by Senator Andrezeski.

Congratulations of the Senate were extended to Rutledge Borough by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. John Beran, Mr. and Mrs. Earl Blaser, Mr. and Mrs. Herman H. Butch, Mr. and Mrs. Walter Jaros, Mr. and Mrs. John Vinski and to Mr. and Mrs. Robert W. Wood, Sr. by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Benner, Mr. and Mrs. Howard Campbell, Mr. and Mrs. William A. Pringle and to Mr. and Mrs. Harry Williams, Sr. by Senator Corman.

Congratulations of the Senate were extended to Dr. Joshua Feldstein by Senator Greenwood.

Congratulations of the Senate were extended to the Pennridge High School Rams Baseball Team by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. George W. Davis, Mr. and Mrs. T. Coray Todd, Mrs. Edith V. Ogin and to Mrs. Mildred Sprau by Senator Lemmond.

Congratulations of the Senate were extended to the Goldschmidt Family of Lansdowne and to the Delaware Valley Symphonic Band by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Robert O. Boatman, Mr. and Mrs. Cloyd O. Derickson,

Mr. and Mrs. Russell Larson, Mr. and Mrs. John G. Nelson, Mr. and Mrs. Hollis Pardoe and to Mr. and Mrs. Kenneth P. Welshans by Senator Madigan.

Congratulations of the Senate were extended to James L. McCarthy by Senators Mellow and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Elmer R. Baker by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas F. Demko by Senator Rhoades.

Congratulations of the Senate were extended to Dr. Paul R. Vochko by Senator Ross.

Congratulations of the Senate were extended to the Pennsylvania Chiefs of Police Association by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Roselli, Mr. and Mrs. William D. Snyder, Mr. and Mrs. Roland G. Thompson and to Mr. and Mrs. Frank E. Young by Senator Shaffer.

Congratulations of the Senate were extended to Norman Mawby by Senator Stauffer.

Congratulations of the Senate were extended to Dr. and Mrs. N. Victor Kaminski and to Mr. and Mrs. Ermond Troiano by Senator Stout.

Congratulations of the Senate were extended to Reverend John Wellinger by Senator Zemprelli.

BILLS ON FIRST CONSIDERATION

Senator STAUFFER. 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 838 and HB 689.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator HOLL. Mr. President, for the record, I feel compelled to make a statement having to do with the debate on the Mazziotti confirmation. It was the gentleman from Lehigh, Senator Afflerbach, I believe, who said there was little or no difference between a political contribution and the payment of funds that Mr. Mazziotti received on his separation before coming into government—or something on that order. I may not have it exactly right. I think the record should show conclusively that the money Mr. Mazziotti received went into his own bank account. It went into his pocket, whereas political contributions do not wind up in the candidate's pocket. They must be accounted for, they must be used in a certain way and anyone who does not follow that suffers penalties. There is a lot of difference between a political contribution and someone getting a severance pay, or whatever it was that Mr. Mazziotti received, because that is his money. That is something he will have. That is something he could take and invest and use as he sees fit.

HOUSE MESSAGE**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 210, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 210**, and has appointed Messrs. **YANDRISEVITS, HUTCHINSON** and **BRANDT** 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.

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 210**

The **PRESIDENT**. The Chair announces, on behalf of the President pro tempore, the appointment of Senators **SHUMAKER, PETERSON** and **BODACK** as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 210.

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

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 1075**

The **PRESIDENT**. The Chair announces, on behalf of the President pro tempore, the appointment of Senators **LOEPER, PETERSON** and **WILLIAMS** 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. 1075.

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

BILL SIGNED

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

HB 1286.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 23, 1987

9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 269, 288,	Room 459, 4th Floor Conference Rm.,
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	360 and 591)	North Wing
9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 23, 311, 803, 810, 853; State Boards of Medicine and Osteopathic Medicine Reg. 16A-164; PUC Regs. L-860026; L-860028; and L-870029)	Room 461, 4th Floor Conference Rm., North Wing

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 149, 528, 613 and 859)	Senate Majority Caucus Room
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10:30 A.M.	MILITARY AND VETERANS AFFAIRS (to consider the nomination of Colonel Daniel J. O'Neill, to the position of Brigadier General, PA National Guard)	Room 460, 4th Floor Conference Rm., North Wing
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11:00 A.M.	JUDICIARY (to consider Senate Bills No. 797, 844, 890 and House Bill No. 362)	Senate Majority Caucus Room
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11:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 416, 529, 542, 769, 920, 921, 922, 923, 924, 925, 926, 927, House Bills No. 78 and 392)	Room 461, 4th Floor Conference Rm., North Wing
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11:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 919)	Room 459, 4th Floor Conference Rm., North Wing
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2:00 P.M.	BANKING AND INSURANCE (to consider Senate Bills No. 32, 33, 34, 35, 191, 192, 195, 197, 364, 369, 579, 604, 791 and House Bill No. 310)	Room 461, 4th Floor Conference Rm., North Wing
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WEDNESDAY, JUNE 24, 1987

10:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 877, 878 and House Bill No. 66)	Room 459, 4th Floor Conference Rm., North Wing
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ADJOURNMENT

Senator **STAUFFER**. Mr. President, I move the Senate do now adjourn until Tuesday, June 23, 1987, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:00 p.m., Eastern Daylight Saving Time.