

# Legislative Journal

WEDNESDAY, JUNE 2, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 106

## SENATE

WEDNESDAY, June 2, 1976.

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

The PRESIDENT pro tempore (Martin L. Murray) in the Chair.

## PRAYER

The Chaplain, The Reverend THOMAS E. HERROLD, Pastor of St. Paul's United Church of Christ, Mechanicsburg, offered the following prayer:

We are being born again, Lord. Thrust out of the warm and comfortable womb of our hard-won security, thrust out into a brand new day of challenges, challenges to touch, to taste, to smell and hear and see the world that is being born all around us, challenges to grow with Your world as it unfolds within Your purpose.

It can be a painful process, this growing, Father. The womb of yesterday was so much cozier, so much easier to cope with, so much more shaped to meet all our needs and desires. Now we have to solve these problems for ourselves. The old ways are no longer available to us. The past is the past, and You await us in the future.

New ways have to be found, new ways for a new world, new ways that require creativity and verve, endurance and trust in the future which is in Your hands.

We are being born again, Lord. Rebirth is a difficult, yet everyday, miracle, the miracle of passing from yesterday into tomorrow, the miracle of growth, of development, of life itself.

Help us, then, to accept the changes of these days, to affirm them now and to step forward to the call of this new day with joy. Amen.

## JOURNAL APPROVED

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

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

## COMMUNICATION FROM THE GOVERNOR

### NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented 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:

### SECRETARY OF BANKING

June 2, 1976

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 William E. Whitesell, 1311 Clayton Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as Secretary of Banking, to serve until the third Tuesday of January, 1979, and until his successor shall have been appointed and qualified, vice Honorable Carl K. Dellmuth, Swarthmore, resigned.

MILTON J. SHAPP

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 2143**, which was referred to the Committee on Agriculture.

He also presented for concurrence **HB 545** and **1366**, which were referred to the Committee on Appropriations.

He also presented for concurrence **HB 2170**, which was referred to the Committee on Consumer Affairs.

He also presented for concurrence **HB 1556**, which was referred to the Committee on Education.

He also presented for concurrence **HB 1658**, which was referred to the Committee on Environmental Resources.

He also presented for concurrence **HB 1952**, which was referred to the Committee on Finance.

He also presented for concurrence **HB 596, 1778, 1779, 1781, 1782** and **1785**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 1375**, which was referred to the Committee on Rules and Executive Nominations.

He also presented for concurrence **HB 2087, 2112, 2239, 2281** and **2294**, which were referred to the Committee on State Government.

He also presented for concurrence **HB 1231**, which was referred to the Committee on Transportation.

### HOUSE CONCURRENT RESOLUTION REFERRED TO COMMITTEE

He also presented for concurrence House Concurrent Resolution No. **177**, which was referred to the Committee on Rules and Executive Nominations.

### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator SCANLON submitted the Report of Committee

of Conference on **SB 883**, which was placed on the Calendar.

### REPORT FROM COMMITTEE

Senator **DOUGHERTY**, from the Committee on Aging and Youth, reported, as amended, **SB 136** and **1203**.

### BILLS INTRODUCED AND REFERRED

Senators **HAGER**, **COPPERSMITH**, **ROSS**, **HESS** and **MYERS** presented to the Chair **SB 1543**, 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 tax for education.

Which was committed to the Committee on Finance.

Senators **HAGER**, **HILL**, **MYERS**, **KELLEY**, **ANDREWS** and **JUBELIRER** presented to the Chair **SB 1544**, entitled:

An Act amending the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-fault Motor Vehicle Insurance Act," further providing for operation of a vehicle without security.

Which was committed to the Committee on Insurance.

Senators **FRAME**, **DWYER** and **FLEMING** presented to the Chair **SB 1545**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for optional membership in the system.

Which was committed to the Committee on Education.

Senators **LYNCH**, **CIANFRANI**, **MESSINGER** and **ROSS** presented to the Chair **SB 1546**, entitled:

An Act amending the act of November 25, 1970 (P. L. 716, No. 232), entitled "The Pennsylvania Insurance Guaranty Association Act," changing the definition of the term "property and casualty insurance policy."

Which was committed to the Committee on Insurance.

Senators **LYNCH**, **CIANFRANI** and **ROSS** presented to the Chair **SB 1547**, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," adding to the powers and duties of the Insurance Commissioner.

Which was committed to the Committee on Insurance.

### RECESS

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

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

### AFTER RECESS

The **PRESIDENT** (Lieutenant Governor Ernest P. Kline) in the Chair.

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

## CALENDAR

### REPORTS OF COMMITTEES OF CONFERENCE

#### BILLS OVER IN ORDER

**SB 572** and **HB 796**—Without objection, the bills were passed over in their order at the request of Senator **NOLAN**.

### BILLS WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

#### BILLS OVER IN ORDER

**HB 175**, **314** and **1490**—Without objection, the bills were passed over in their order at the request of Senator **NOLAN**.

### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

#### BILLS OVER IN ORDER

**SB 891**, **1166**, **1276** and **1365**—Without objection, the bills were passed over in their order at the request of Senator **NOLAN**.

### FINAL PASSAGE CALENDAR

#### BILL DEFEATED ON FINAL PASSAGE

**HB 1775** (Pr. No. 3155)—And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

(During the calling of the roll, the following occurred:) Senator **HOLL**. Mr. President, I would like to change my vote from "aye" to "no."

The **PRESIDENT**. The gentleman will be so recorded. Senator **COPPERSMITH**. Mr. President, I would like to change my vote from "aye" to "no."

The **PRESIDENT**. The gentleman will be so recorded. Senator **MYERS**. Mr. President, I would like to change my vote from "aye" to "no."

The **PRESIDENT**. The gentleman will be so recorded. Senator **STAUFFER**. Mr. President, I would like to change my vote from "aye" to "no."

The **PRESIDENT**. The gentleman will be so recorded. Senator **SWEENEY**. Mr. President, I would like to change my vote from "aye" to "no."

The **PRESIDENT**. The gentleman will be so recorded. Senator **MANBECK**. Mr. President, I would like to change my vote from "aye" to "no."

The **PRESIDENT**. The gentleman will be so recorded.

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

#### YEAS—17

<b>Andrews,</b>	<b>Lynch,</b>	<b>Murray,</b>	<b>Orlando,</b>
<b>Cianfrani,</b>	<b>Mellow,</b>	<b>Nolan,</b>	<b>Ross,</b>
<b>Duffield,</b>	<b>Messinger,</b>	<b>Noszka,</b>	<b>Scanlon,</b>
<b>Frame,</b>	<b>Murphy,</b>	<b>O'Pake,</b>	<b>Zemprell,</b>
<b>Kelley,</b>			

#### NAYS—28

<b>Ammerman,</b>	<b>Fleming,</b>	<b>Jubelirer,</b>	<b>Smith,</b>
<b>Bell,</b>	<b>Hager,</b>	<b>Kury,</b>	<b>Snyder,</b>

Coppersmith, Dougherty, Dwyer, Early, Ewing,	Hess, Hill, Hobbs, Holl, Howard,	Lentz, Manbeck, Moore, Myers, Reibman,	Stapleton, Stauffer, Sweeney, Tilghman, Wood,
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Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

**THIRD CONSIDERATION CALENDAR**

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

**HB 65**—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

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

**SB 119 (Pr. No. 1911)**—Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

**YEAS—45**

Ammerman, Andrews, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hager, Hess, Hill, Hobbs, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Lynch,	Manbeck, Mellow, Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Oriando,	Reibman, Ross, Scanlon, Smith, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprell,
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**NAYS—0**

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

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

**HB 1817 (Pr. No. 3266)**—Considered the third time,

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

Senator STAUFFER. Mr. President, the bill which is before us is a revision of the Motor Vehicle Code. As the Members know, this bill has been substantially amended, and many of the amendments which have been placed in the bill by the Senate Transportation Committee are extremely controversial. The word seems to be that the direction for this bill to follow is to pass the Senate today and go to a conference committee and then to have the bill rewritten in the conference committee.

Mr. President, I do not think that the Senate should pass a bill just to send it to a conference committee irrespective of the contents of that bill. I think we have a responsibility to look at the contents of the bill and to try to pass the very best piece of legislation that we can. If, in the wisdom of the other house, there is a nonconcurrency in the version that we pass, then, of course, we have to go to conference with no choice.

With that idea in mind, Mr. President, I would ask unanimous consent to offer amendments to House Bill No. 1817.

**STAUFFER AMENDMENTS**

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

Amend Sec. 1 (Sec. 1551), page 136, lines 8 through 30; page 137, lines 1 through 30; page 138, lines 1 through 30; page 139, lines 1 through 20, by striking out all of said lines

Amend Sec. 1 (Sec. 1552), page 139, line 21, by striking out "1552." and inserting: 1551.

Amend Sec. 1 (Sec. 1553), page 140, line 11, by striking out "1553." and inserting: 1552.

Amend Sec. 1 (Sec. 1554), page 141, line 1, by striking out "1554." and inserting: 1553.

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

Senator STAUFFER. Mr. President, in House Bill No. 1817, as it stands before us, I believe it would have to be called an anti-highway safety bill, because if you put into combination some of the factors in that bill, you will find that, in the first instance, we have reduced or are proposing to reduce the number of points that would be assigned to a violator for committing a violation of one of the provisions of the Code.

Secondly, we see a provision which states that if you have a violation which has caused a suspension under the present law, there would be an amnesty provision which would wipe away for the most part that suspension and, with the exception of one or two violations, would give the suspended driver his license back.

In addition, there has been a provision added which says that even though we have lowered the points, and even though we have provided amnesty, that if, under the new Code, you build a poor enough driving record to receive a suspension, we will enable you to buy a so-called "bread and butter" license or occupational license. Therefore, even though you are under suspension, you may continue to drive.

The amendments which I am offering propose to strike out the so-called "bread and butter" license provision from the bill. I think we have gone far enough in reducing the number of points assigned to a driving violation in the future; I think this is enough of a step toward helping the driver who might violate the law, rather than adding an additional provision which will flaunt highway safety by providing that even though you have a bad driving record and are under suspension, you can still get a license.

I might also add that there is no way that a "bread and butter" license provision can be enforced. How in the world could a police officer tell whether a person was driving for occupational purposes or otherwise? It is an anti-safety provision; it is one which should be stricken from the bill.

Mr. President, I ask the support of the Members for these amendments.

Senator SCANLON. Mr. President, as I understand the situation, the cost of reprinting this bill in the event it is amended is very substantial. I, too, am opposed to the "bread and butter" provision. However, I feel inclined at this point to vote against the amendments, because it is my understanding that the bill is going to a conference

committee. It is also my understanding that the conference committee is going to make an effort to remove the "bread and butter" provision.

I am going to vote against these amendments and urge all the Members on this side of the aisle and on the other side of the aisle to do the same thing.

However, in the event the conference committee does not remove the "bread and butter" provision in this bill, I am stating for the record I will vote against the conference committee's report.

Senator STAUFFER. Mr. President, in response to the gentleman from Allegheny, Senator Scanlon, and his concern about the cost of reprinting the bill, I can appreciate that concern. I think all of us have a concern for the printing of legislation, and we try and hold that cost down.

By the same token, we have a responsibility as Legislators to consider factors such as highway safety and the lives which can be lost on the highways by drivers who are not abiding by our speed laws and other rules of the road. I think that the saving of a life certainly is of greater concern than the fact that we might have to spend a little bit of money to reprint a bill.

I think, in the first instance, we have to carry our responsibilities as Members of this Senate to write good legislation. If it is necessary to reprint a bill in order for us to do that, so be it. We reprint hundreds and hundreds of bills and one more over the course of a Session is really not going to make that much difference.

Mr. President, I would request a roll call vote on the amendments.

Senator MESSINGER. Mr. President, there is nothing in the foreseeable future that would prevent the House from accepting the bill as it is if we would pass it this way and run with it. Since this is an election year, some of them might think it would get them some votes. I think we are doing ourselves a disservice if we think that it necessarily would go to a committee of conference.

Senator MELLOW. Mr. President, when this particular amendment was presented in our Committee on Transportation meetings, I voted in favor of striking out the "bread and butter" amendment in the revision of the Vehicle Code. However, I have to join with the gentleman from Allegheny, Senator Scanlon. I feel that right now the most appropriate thing we can do is pass the Vehicle Code the way it currently has been written, although the "bread and butter" issue is in there. I do not support that provision along with the amnesty provision. I think we could have either one or the other, but I do not think we should have both.

Mr. President, I should like to see the bill pass the Senate and have the conference committee make their report to the Senate with the amnesty issue addressed itself to and, also, I would like to see that particular conference report not include a "bread and butter" issue. I do not, at this point, support both the amnesty issue and the "bread and butter" issue. I am going to vote against the amendments, hopefully vote in favor of House Bill No. 1817, but then also request that the conference committee make their report of House Bill No. 1817 without the "bread and butter" amendments being in there.

Senator KELLEY. Mr. President, thus far I have not heard any response in substance to the argument for "bread and butter." It appears to me there is a legitimate consideration aside from the procedural arguments

that have been advanced to vote against the amendments. I suppose, really, it centers on the fact that it is not as the gentleman from Chester, Senator Stauffer, sees it, an anti-safety situation but in my mind a realistic appraisal in the legislative process that there is now a valid distinction in the category of a license to operate a motor vehicle as being partially necessary and partially privilege. I believe it takes cognizance of the fact that we have outlying residential communities and a highway system throughout most of the Commonwealth; people now have to drive. We do not have the home deliveries that we did years ago. People have to drive to church—they cannot walk to church anymore—they have to drive to the store, they cannot walk, and deliveries are no longer made.

Mr. President, there is a contingency in the provision that if one is found to be in violation while operating under the "bread and butter" privilege, he will suffer then double the consequences for the prohibition period. So, I believe, realistic attention was given by the committee in this regard and I think a strong argument, in substance, can be made against these amendments and I still support it on the material substance.

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

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

#### YEAS—24

Andrews, Coppersmith, Early, Ewing, Fleming, Frame,	Hager, Hess, Hill, Hobbs, Howard, Jubeltrier,	Kury, Lentz, Messinger, Moore, Myers, Reibman,	Snyder, Stapleton, Stauffer, Sweeney, Tlghman, Wood,
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#### NAYS—24

Arlene, Bell, Cianfrani, Dougherty, Duffield, Dwyer,	Hankins, Holl, Kelley, Lewis, Lynch, Manbeck,	McKinney, Mellow, Murphy, Murray, Noian, Noszka,	O'Pake, Orlando, Ross, Scanlon, Smith, Zemprelli,
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So the question was determined in the negative, and the amendments were defeated.

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

#### FLEMING AMENDMENTS

Senator FLEMING, by unanimous consent, offered the following amendments:

Amend Sec. 2, page 411, lines 3 through 22, by striking out all of lines 3 through 21 and "(D)" in line 22 and inserting: (a)

Amend Sec. 2, page 412, line 4, by striking out "(E)" and inserting: (b)

Amend Sec. 2, page 412, line 11, by striking out "(F)" and inserting: (c)

Amend Sec. 2, page 412, line 17, by striking out "(G)" and inserting: (d)

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

Senator FLEMING. Mr. President, the effect of these amendments would be to remove the amnesty feature from House Bill No. 1817. Everyone knows what the amnesty feature is, namely, that all points assessed against

violators, previous violators, would be absolved, expunged from the record should this bill pass. In my view and some others, this is not only unfair to all the citizens of Pennsylvania who drive safely or attempt to do so, but in the light of the past Memorial Day weekend when in seventy-eight hours there were 426 road deaths in this nation, when actually the estimate for that weekend, by the National Safety Council, was only 340 deaths. This is the first time I think we have seen the estimate exceeded by so large a figure.

Mr. President, it would seem unwise to expunge these records for the simple reason that, in the view of PennDOT officials, apparently with them it is impossible to equate old points with new points. It would seem very easy to some of us to let the old points stay and let them run out over a period of time, meanwhile assessing new points. That, I imagine though would seem too simple for some to comprehend.

There are other factors that I think we ought to give attention to here: We have a new Motor Vehicle Code, a new start if you will, and yet if we were involved here in revising the Criminal Code and if we provided now a new Criminal Code, we certainly would not open the doors of all the jails, absolve all the present criminals of all their past acts and turn them loose on society.

By the same token, I could draw an analogy: Why should we turn all the unsafe drivers loose, all at one time, on society so that they can again start to accumulate a record and, on the basis of more relaxed points, take a much longer time in order to get into trouble under the new Code than they did with the present one?

Mr. President, it is for these and some other reasons that I would appreciate an affirmative vote by my colleagues on each side of the aisle. I would also ask for a roll call vote.

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

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

YEAS—18

Andrews,	Hager,	Kury,	Reibman,
Bell,	Hess,	Messinger,	Snyder,
Ewing,	Hill,	Moore,	Stauffer,
Fleming,	Howard,	Myers,	Tilghman,
Frame,	Jubelirer,		

NAYS—31

Ammerman,	Hankins,	McKinney,	Ross,
Arlene,	Hobbs,	Mellow,	Scanlon,
Cianfrani,	Holl,	Murphy,	Smith,
Coppersmith,	Kelley,	Murray,	Stapleton,
Dougherty,	Lentz,	Nolan,	Sweeney,
Duffield,	Lewis,	Noszka,	Wood,
Dwyer,	Lynch,	O'Pake,	Zemprelli,
Early,	Manbeck,	Orlando,	

So the question was determined in the negative, and the amendments were defeated.

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

EWING AMENDMENT

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

Amend Sec. 1 (Sec. 6122), page 325, by inserting between lines 19 and 20:  
(e) Costs.—The cost of erection of traffic-con-

trol signals located on State-designated highways shall be borne by the Commonwealth; and at intersections of State-designated highways and local roads, such costs shall be borne by the Commonwealth and the local authorities having jurisdiction over the local road, each paying one-half of such costs, but local authorities may, at their option, pay more than their half of the costs in such cases.

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

Senator EWING. Mr. President, this amendment merely restores some language which was deleted by the Committee on Transportation on page 325 of House Bill No. 1817, which provides that the cost of traffic signal installations on State highways will be borne entirely by the State, unless the installation is at an intersection with a local road. In that case the cost would be split on the fifty-fifty basis, except that the local government could contribute a greater share.

This will relieve our local municipalities of some of the cost of these installations, particularly when we are dealing entirely with the State highway system, where it would be borne one hundred per cent by the Commonwealth.

Mr. President, I request a roll call vote on the amendment.

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

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

YEAS—20

Andrews,	Ewing,	Howard,	Snyder,
Bell,	Fleming,	Jubelirer,	Stapleton,
Coppersmith,	Frame,	Moore,	Stauffer,
Dwyer,	Hess,	Murphy,	Sweeney,
Early,	Hobbs,	Reibman,	Tilghman,

NAYS—29

Ammerman,	Holl,	McKinney,	O'Pake,
Arlene,	Kelley,	Mellow,	Orlando,
Cianfrani,	Kury,	Messinger,	Ross,
Dougherty,	Lentz,	Murray,	Scanlon,
Duffield,	Lewis,	Myers,	Smith,
Hager,	Lynch,	Nolan,	Wood,
Hankins,	Manbeck,	Noszka,	Zemprelli,
Hill,			

So the question was determined in the negative, and the amendment was defeated.

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

EWING AMENDMENTS

Senator EWING, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 6506), page 346, line 12, by striking out "for overtime parking AND"

Amend Sec. 1 (Sec. 6506), page 346, line 14, by striking out "overtime parking OR"

Amend Sec. 1 (Sec. 6506), page 346, line 14, by inserting after "SPEED": calculated by electronic timing devices pursuant to section 3368(e)-(2)(ii) (relating to speed timing devices)

Amend Sec. 1 (Sec. 6506), page 346, line 15, by striking out "one-half of"

Amend Sec. 1 (Sec. 6506), page 346, line 17, by inserting a period after "organized"

Amend Sec. 1 (Sec. 6506), page 346, lines 17 to

19, by striking out "and" in line 17; all of lines 18 and 19

Amend Sec. 1 (Sec. 6506), page 346, lines 20 to 25; by striking out "Local police enforcement for overtime parking.—When" in line 20, all of lines 21 through 24, and "(D)" in line 25

Amend Sec. 1 (Sec. 6506), page 346, line 26, by inserting after "SPEED": calculated by electronic timing devices pursuant to section 3368(e)-(2)(ii) (relating to speed timing devices)

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

Senator EWING. Mr. President, I share the concern expressed by the gentleman from Lehigh, Senator Messenger, that there is no guarantee that this bill will go to a conference committee. It is possible that the House may concur in the amendments made to the bill by the Senate.

It is disturbing and frustrating that some Members have expressed a desire to negate their responsibilities and vote against every amendment in spite of its merits, with the objective of putting this bill into a conference committee. When it goes to a conference committee, as we all know, this leaves this important piece of legislation in the hands of six Members, three from the House of Representatives and three from the Senate, and, more accurately, only four Members, two from each Body, which must sign the conference committee report.

Then, of course, when it comes back on our Calendar, we have no choice. It is take it or leave it. We cannot change it. It is up or down. Now is our opportunity to have a voice, to have a vote in dealing with this most important piece of legislation.

Again, it is frustrating that I must think that some Members are voting on these amendments with the objective of merely getting the bill out of the Senate and putting it into a conference committee, leaving it up to somebody else. I think it is our responsibility, and I think we should deal with this responsibility at this time.

These amendments, Mr. President, will eliminate provisions presently in the bill whereby all the fines, except for overtime parking and speed, will be split one-half to the local municipality and one-half to the Commonwealth. The amendments provide that all fines, penalties and bail forfeited shall go to the local municipality except for speeding fines collected by local police using electronic or radar devices. In that case, of course, the fines will go to the State and will float back to the municipalities in accordance with the liquid fuels tax distribution formula.

The amendments also add provisions defining that only fines collected by local police using radar shall go to the State. Under existing law there are, I believe, twelve sections in the Motor Vehicle Code providing that whether the arrest is made by the local police or the State Police, the fines are retained by the municipality. In the bill, as we have it before us, the provisions are such that if the arrest is made by the State Police, one-half will be retained by the municipality, one-half by the Commonwealth and then that half will go back to the municipality through the liquid fuels tax formula. In the bill, if the arrest is made by local police, one-half goes into the Motor License Fund and one-half is retained by the municipality.

Again, the amendments provide that the local depart-

ments of the municipalities shall retain all of the fines except when radar devices are used.

Senator SCANLON. Mr. President, I believe that the gentleman from Allegheny County is trying to create the impression that this is the first opportunity that the Members of the Senate have had to amend this bill, which is just not the case. Amendments were offered in committee. We probably had several hundred amendments. The committee had several working sessions to go over the amendments, many of which were duplicates of others, so that there has been an ample opportunity for every Member of this Senate to offer and have considered, at least by the committee, any proposed amendments to this new Motor Vehicle Code. I think that the people listening to this discussion are entitled to know that.

It is not unusual for a bill of this magnitude to go to a conference committee. I do not ever recall—this will be my ninth budget—a budget bill not winding up in a conference committee. Everybody knew it. Sometimes I think it is a game we play. However, this bill is headed for a conference committee, and the Senators have had a sufficient opportunity to amend it. I do not know whether the gentleman from Allegheny offered his amendments to the committee or not. There were so many I am not quite sure. However, I just wanted to allay the impression that this is our first and last opportunity to be heard on this bill.

Senator EWING. Mr. President, I did offer several amendments to the committee. I appreciate the committee's system and the work that they did on this bill in going over many amendments which were submitted by the Members. However, I do not think the mere fact that the committee has done its work—the committee has reviewed a substantial number of amendments—should preclude Members from submitting those amendments on the floor which may have been rejected by the committee or should preclude other Members, who have not submitted amendments previously, who may have found defects in the bill in the time that they have been given to analyze it, from having those amendments considered by every Member of this Body and debated in the open Senate, and, more importantly, considered by every Member on the merits of those amendments.

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

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

YEAS—18

Andrews.	Fleming.	Jubelirer.	Myers.
Bell.	Frame.	Kury.	Snyder.
Dwyer.	Hager.	Lentz.	Stauffer.
Early.	Hobbs.	Moore.	Tilghman.
Ewing.	Howard.		

NAYS—31

Ammerman.	Hill.	Messinger.	Ross.
Arlene.	Holl.	Murphy.	Scanlon.
Cianfrani.	Kelley.	Murray.	Smith.
Coppersmith.	Lewis.	Nolan.	Stapleton.
Dougherty.	Lynch.	Noszka.	Sweeney.
Duffield.	Manbeck.	O'Pake.	Wood.
Hankins.	McKinney.	Orlando.	Zemprelli.
Hess.	Mellow.	Reibman.	

So the question was determined in the negative, and the amendments were defeated.

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

ANDREWS AMENDMENTS

Senator ANDREWS, by unanimous consent, offered the following amendments:

Amend Sec. 1 (Sec. 1532), page 117, by inserting between lines 19 and 20:

(4) Driving under the influence of alcohol or controlled substance if the chemical analysis of the person's breath or blood shows that the amount of alcohol by weight in the blood of the person tested is 0.15% or more.

Amend Sec. 1 (Sec. 1532), page 118, lines 3 through 9, by striking out all of said lines

Amend Sec. 1 (Sec. 1544), page 129, lines 19 through 30; page 130, line 1, by striking out all of said lines

Amend Sec. 1 (Sec. 1545), page 130, line 2, by striking out "1545" and inserting: 1544

Amend Sec. 1 (Sec. 1546), page 130, line 25, by striking out "1546" and inserting: 1545

Amend Sec. 1 (Sec. 1547), page 131, line 5, by striking out "1547" and inserting: 1546

Amend Sec. 1 (Sec. 1548), page 131, lines 25 through 30; page 132, lines 1 through 10, by striking out all of said lines

Amend Sec. 1 (Sec. 1549), page 132, line 11, by striking out "1549" and inserting: 1547

Amend Sec. 1 (Sec. 1550), page 135, line 5, by striking out "1550" and inserting: 1548

Amend Sec. 1 (Sec. 1551), page 136, line 8, by striking out "1551" and inserting: 1549

Amend Sec. 1 (Sec. 1552), page 139, line 21, by striking out "1552" and inserting: 1550

Amend Sec. 1 (Sec. 1553), page 140, line 11, by striking out "1553" and inserting: 1551

Amend Sec. 1 (Sec. 1554), page 141, line 1, by striking out "1554" and inserting: 1552

Amend Sec. 1 (Sec. 3369), page 220, lines 10 through 17, by striking out all of said lines

The PRESIDENT. The Chair would like to point out to the Members that the form in which the amendments are presented is as though it is one amendment and, at the request of the gentleman from Lawrence, Senator Andrews, who has properly divided it, we will consider this as three separate amendments rather than wait for twenty-five minutes while they be retyped.

The Clerk will read the first amendments.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 1532), page 117, by inserting between lines 19 and 20:

(4) Driving under the influence of alcohol or controlled substance if the chemical analysis of the person's breath or blood shows that the amount of alcohol by weight in the blood of the person tested is 0.15% or more.

Amend Sec. 1 (Sec. 1532), page 118, lines 3 through 9, by striking out all of said lines

On the question,

Will the Senate agree to the amendments?

Senator ANDREWS. Mr. President, these are very simple amendments. I would call the Members' attention to page 117 of the bill. What the amendments do is reinsert Section (4) which has been deleted, lines 16 through 19, on page 117. They then delete on page 118, lines 3 through 9. This is the section of the Code involving revocation of licenses in drunken driving cases.

Mr. President, the present law in Pennsylvania provides that a drunken driver receives a one-year revocation of

his operating privileges upon conviction. The bill, as it is presently written, provides for only a six-month revocation and, in those cases in which the individual has been accepted for accelerative rehabilitative disposition, ARD, and then also takes the driving and alcohol course, it is only a ninety-day suspension.

Mr. President, it appears to me that we are not doing the motoring public any great favor by so drastically reducing the penalty for drunken driving on Pennsylvania highways, and the suspension should remain at one year.

Another provision in the bill which I find very peculiar as it relates to this section is that we have increased the penalty for refusal to take a Breathalyzer test from six months to one year. As the bill is presently written, we have a one-year suspension if we refuse to take a Breathalyzer test and only a six-month suspension, or perhaps a ninety-day suspension, if you take it and fail. I do not think that this is a very satisfactory result and it would appear to me that we should have a greater degree of consistency with respect to the penalties and suspensions under the Code. So these amendments, very simply, retain the present one-year suspension for operating a motor vehicle under the influence of alcohol or drugs, as it is today, and eliminate that provision providing for six months, or even only a ninety-day suspension in those cases.

Mr. President, I ask for a roll call vote.

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

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

YEAS—24

Andrews,	Fleming,	Holl,	Moore,
Bell,	Frame,	Howard,	Myers,
Dougherty,	Hager,	Jubelirer,	Reibman,
Dwyer,	Hess,	Kury,	Snyder,
Early,	Hill,	Lentz,	Stauffer,
Ewing,	Hobbs,	Messinger,	Sweeney,

NAYS—25

Ammerman,	Lewis,	Murray,	Scanlon,
Arlene,	Lynch,	Nolan,	Smith,
Cianfrani,	Manbeck,	Noszka,	Stapleton,
Coppersmith,	McKinney,	O'Pake,	Tilghman,
Duffield,	Mellow,	Orlando,	Wood,
Hankins,	Murphy,	Ross,	Zemprelli,
Kelley,			

So the question was determined in the negative, and the amendments were defeated.

The PRESIDENT. The Clerk will read the second amendments.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 1544), page 129, lines 19 through 30; page 130, line 1, by striking out all of said lines

Amend Sec. 1 (Sec. 1545), page 130, line 2, by striking out "1545" and inserting: 1544

Amend Sec. 1 (Sec. 1546), page 130, line 25, by striking out "1546" and inserting: 1545

Amend Sec. 1 (Sec. 1547), page 131, line 5, by striking out "1547" and inserting: 1546

Amend Sec. 1 (Sec. 1548), page 131, lines 25 through 30; page 132, lines 1 through 10, by striking out all of said lines

Amend Sec. 1 (Sec. 1549), page 132, line 11, by striking out "1549" and inserting: 1547

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

Senator ANDREWS. Mr. President, these amendments amend two sections of the Code, both of which are the present law of Pennsylvania today under the Vehicle Code and they both relate to the assignment of points or suspension for out-of-state convictions. It has always appeared to me an anomaly in the law when we can penalize in Pennsylvania for something someone does in another state. I am advised that this occurs only in those states with which we have reciprocity. I am not sure that we have any of those, but, on the other hand, the Department could undergo an agreement of reciprocity at any time, and it seems extremely unfair to me to have a Pennsylvania resident arrested coming home from Florida, say in the middle of North Carolina, and he has to get home for work, and he just pays the fine and comes on home. He does not have the time to stay there, he has to get home to work, he has a cost factor involved with respect to housing and feeding his family; he has a right to an attorney, of which he cannot take advantage, and then have him come home and hit him in Pennsylvania with either a suspension or some points does not seem very fair treatment of our own residents.

Mr. President, these amendments would delete that from the Motor Vehicle Code, as I think it should be in all fairness to the people who reside here. It would prohibit the assignment of points or a suspension as a result of driving activity in another state.

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

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

YEAS—17

Andrews, Bell, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess,	Howard, Jubellrer, Lentz, Moore,	Snyder, Stauffer, Tilghman, Wood,
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NAYS—32

Ammerman, Arlene, Cianfrani, Coppersmith, Duffield, Early, Hankins, Hill,	Hobbs, Holl, Kelley, Kury, Lewis, Lynch, Manbeck, McKinney,	Mellow, Messinger, Murphy, Murray, Myers, Nolan, Noszka, O'Pake,	Orlando, Reibman, Ross, Scanlon, Smith, Stapleton, Sweeney, Zemprelli,
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So the question was determined in the negative, and the amendments were defeated.

The PRESIDENT. The Clerk will read the third amendments.

The Clerk read the amendments as follows:

- Amend Sec. 1 (Sec. 1550), page 135, line 5, by striking out "1550" and inserting: 1548
- Amend Sec. 1 (Sec. 1551), page 136, line 8, by striking out "1551" and inserting: 1549
- Amend Sec. 1 (Sec. 1552), page 139, line 21, by striking out "1552" and inserting: 1550
- Amend Sec. 1 (Sec. 1553), page 140, line 11, by striking out "1553" and inserting: 1551
- Amend Sec. 1 (Sec. 1554), page 141, line 1, by striking out "1554" and inserting: 1552
- Amend Sec. 1 (Sec. 3369), page 220, lines 10 through 17, by striking out all of said lines

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

Senator ANDREWS. Mr. President, these are very simple amendments. On page 220, lines 11 through 17, we provide for a defense in speeding violations. For anyone who represents defendants in speeding cases, it would be absolutely fantastic. You could never lose a case. That provision has been inserted, I presume, in the Senate somewhere. I do not know whose amendment it is, but under this bill, if it were to be enacted into law, it would be a defense to a speeding case if, within three days after the pinch you could go to an official inspection station and they showed that the speedometer was tested for accuracy and that it was not accurate.

I would suggest that that would be the easiest thing in the world to do. There is no standard set forth for accuracy or inaccuracy, and I do not know how broadly it would be interpreted, however, it would seem to me you could be arrested for going eighty-five miles an hour through a school zone, and you could then go in and have your speedometer tested—none of them are perfectly accurate—and if the speedometer said that you were rated going fifty-seven miles an hour and, in fact, you were going only fifty-five miles an hour, it would be inaccurate and you would have an absolute defense to your speeding violation.

It would be very easy to prove. All one would really have to do is reach up under the dash and pull out the wires. The speedometer would not work and would, therefore, be inaccurate. You could defend any speeding violation under any circumstances, and we would never win a case. The debate on radar and the whole thing goes down the drain, because if this provision stays in this bill and becomes the law of Pennsylvania, there will be absolutely no speeding convictions ever in the Commonwealth of Pennsylvania. We do not have to worry about the points, we do not have to worry about the radar or the whole thing. It makes the defense of the prosecution so easy that there would be nothing that the State Police or any police could do. We have completely emasculated the speeding sections of the Code.

I would ask my colleagues on a roll call to reject this particular section and to adopt my amendments.

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

(During the calling of the roll, the following occurred:)  
Senator HILL. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—24

Andrews, Bell, Dougherty, Dwyer, Ewing, Fleming,	Frame, Hager, Hess, Hill, Holl, Howard,	Jubellrer, Kury, Lentz, Messinger, Moore, Murphy,	Reibman, Snyder, Stauffer, Sweeney, Tilghman, Wood,
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NAYS—24

Ammerman, Arlene, Cianfrani, Coppersmith, Duffield, Hankins,	Hobbs, Kelley, Lewis, Lynch, Manbeck, McKinney,	Mellow, Murray, Myers, Nolan, Noszka, O'Pake,	Orlando, Ross, Scanlon, Smith, Stapleton, Zemprelli,
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So the question was determined in the negative, and the amendments were defeated.

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

DWYER AMENDMENT

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

Amend Sec. 1 (Sec. 3368), page 219, line 22, by removing the period after "OFFICERS" and inserting: for the purpose of timing the speed of vehicles in school zones.

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

Senator DWYER. Mr. President, I have a very brief explanation of my amendment. We heard a lot in the past few weeks about a controversial section regarding the extension of the use of radar to municipal police departments. Currently page 219, lines 21 and 22 provide that radar can be used by members of a municipal police force having ten or more salaried police officers.

This has been controversial because, of course, throughout the Commonwealth in many municipalities speed zones were set many years ago, ten or twenty years ago. They have never been updated or changed in light of modern transportation developments, residential developments and commercial developments. The speed zones are totally unrealistic. Thus, there has been some sentiment to remove the use of radar from local police forces. Or, I do think that at least in one case, the enforcement of speed zones in school zone areas, by the use of radar would be legitimate.

This bill provides that the Department of Transportation will set the speed in school zones. It will probably depend on the distance the school is from the road, the amount of traffic, cross-lane traffic, the number of students being bused and so on. The speed zones will be set by the Department instead of the mandatory and inflexible fifteen mile per hour school speed zone right now, so they will be realistic.

I think they should be strictly enforced because we have children from kindergarten, nursery school up through twelfth grade who, at least twice a day, hundreds and thousands of them in many communities, are crossing the streets in school zones.

This amendment would provide that municipal police would be limited to the use of radar in school zones and in enforcing the speed limit in those school zones.

Mr. President, I would ask for support for this amendment and request a roll call vote.

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

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

YEAS—2

Dwyer, Frame,

NAYS—47

Ammerman,	Hankins,	Manbeck,	Reibman,
Andrews,	Hess,	McKinney,	Ross,
Arlene,	Hill,	Mellow,	Scanlon,
Bell,	Hobbs,	Messinger,	Smith,
Cianfrani,	Holl,	Moore,	Snyder,
Coppersmith,	Howard,	Murphy,	Stapleton.

Dougherty,	Jubelirer,	Murray,
Duffield,	Kelley,	Myers,
Early,	Kury,	Nolan,
Ewing,	Lentz,	Noszka,
Fleming,	Lewis,	O'Pake,
Hager,	Lynch,	Orlando,

Stauffer,
Sweeney,
Tilghman,
Wood,
Zemprell,

So the question was determined in the negative, and the amendment was defeated.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

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

On the question,  
Shall the bill pass finally?

MOTION TO RECOMMIT

Senator JUBELIRER. Mr. President, in the last half hour or forty-five minutes we have witnessed, I think, the defects which have obviously been associated with House Bill No. 1817. In the late 1950s and the early 1960s, Pennsylvania became an example for the Nation in highway safety. We have seen by the closeness of the amendments, and with those who have voted against the amendments by virtue of the cost factor in reprinting the bill, that there are serious defects.

I think, Mr. President, the question becomes, shall the Senate do its duty as a whole, or shall we relegate our function to the conference committee. As one who has been professionally involved with some of the issues which have been raised, such as the speeding issue, where there is now a defense to speeding under this bill by having a certificate of a defective speedometer, I think I can safely say that speeders will have a picnic in Pennsylvania. There are no more prosecutions for speeding in Pennsylvania because the defenses are all there. We have placed a premium on the defense, and we have failed to give the public the attention that it so very, very richly deserves.

In light of the debate here today, in light of the safety hazards that this bill has given to us, I hereby move to recommit House Bill No. 1817 to the Committee on Transportation, hoping that they will clean up this bill and bring it back to us in a better fashion.

Mr. President, I would respectfully request a roll call vote.

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

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

YEAS—21

Andrews,	Fleming,	Jubelirer,	Reibman,
Bell,	Frame,	Kury,	Snyder,
Dougherty,	Hager,	Lentz,	Stauffer,
Dwyer,	Hess,	Messinger,	Sweeney,
Early,	Howard,	Moore,	Tilghman,
Ewing,			

NAYS—27

Ammerman,	Hobbs,	Mellow,	Ross,
Arlene,	Holl,	Murphy,	Scanlon,
Cianfrani,	Kelley,	Murray,	Smith,
Coppersmith,	Lewis,	Nolan,	Stapleton,
Duffield,	Lynch,	Noszka,	Wood,
Hankins,	Manbeck,	O'Pake,	Zemprell,
Hill,	McKinney,	Orlando,	

So the question was determined in the negative, and the motion was defeated.

And the question recurring,  
Shall the bill pass finally?

Senator FLEMING. Mr. President, apparently we are now at the point of voting House Bill No. 1817 up or down. It seems too bad that it is impossible to do some things with such important legislation that, frankly, need doing, that we are in a sense turning over our responsibility to a conference committee when we could have made some constructive changes here.

Mr. President, there were 1725 copies of this voluminous 415 page bill printed; 1725 copies at \$3.31 a copy, the total cost being \$5,402.69. That seems a small price to pay for making some constructive changes or for, perhaps, saving one life, just one life. When we put it in those terms, I think we can all appreciate the consequences. We have done some things with this piece of legislation that, frankly, we should not take very much credit for. I believe that, perhaps, it might be wise to change the title of this Motor Vehicle Code to a Motor Vehicle Violators Code because we have placed the emphasis in this piece of legislation on violators of the law rather than those who drive safely, who attempt to be law-abiding citizens, who try to do the right thing and encourage others to do that kind of driving on our highways.

Frankly, Mr. President, today I do not think this piece of legislation does us any credit, and it certainly does not do the Commonwealth of Pennsylvania any credit. Therefore, I would encourage as many of my colleagues on either side of the aisle as feel compelled to do so, to vote in the negative because I would term this a very constructive negative vote.

Senator HILL. Mr. President, there is one very glaring inconsistency in this Code which I would like to call to the attention of the Members of the Senate, and particularly those who will serve on the conference committee.

Mr. President, when we passed the Crimes Code several years ago, one of the main features of it was that the penalties and gradations of crimes were to be felony first degree, second degree, third degree, misdemeanor first degree, second degree, third degree and summary offenses. Each one of those categories was supposed to cover crimes of the same type severity ranging from felony first degree down to summary offense, and also, each one of these categories had one maximum penalty of a jail term and one maximum penalty for fines.

Now this particular Code attempts to use the same format of misdemeanor first degree, second degree, third degree and felony second degree, third degree and summary offense, but it is quite obvious from reading the Code that no thought at all was given to relating these to the same type severity penalties in the Crimes Code, and also there is no relationship whatsoever between the penalties. For example, in the Crimes Code a summary offense has a maximum penalty of ninety days jail or \$300. In this Code, "Every person convicted of a summary offense for a violation of any of the provisions of this title for which another penalty is not provided shall be sentenced to pay a fine of \$25." The other penalties mentioned in this Code range all the way from \$5 to \$300. In other words, no thought at all was given to this point. I do not think they even considered the fact that the

Crimes Code should have been related to this particular Code.

Mr. President, as far as misdemeanors are concerned, a third degree misdemeanor in this particular Code has a penalty of between \$100 and \$500; in the Crimes Code it is one year or \$2,500; and the same is true of every single one of the gradations of offenses. Furthermore, there is no attempt to relate the severity of a third degree misdemeanor, let us say, under the Crimes Code with the ranking of a third degree misdemeanor under this particular Code. The only thing they do is use the words "misdemeanor" and "felony" and it is very confusing and will be confused with the same type designations in the Crimes Code. I think this should be given a good deal of thought by the conference committee because to pass it in this form is very poor draftsmanship.

There are a number of other things I could point out, Mr. President, as far as that is concerned but that is the main point.

Senator ANDREWS. Mr. President, I must echo the sentiments of some of my colleagues who have spoken in opposition to this bill, or phases of it, this afternoon. I think the gentleman from Chester, Senator Stauffer, started things off appropriately by saying that this is a bill which does a lot of things for the bad driver and does many bad things for the good driver. We have discussed some of these. Not only do you not get a conviction for speeding; if you are a drunken driver you do not get near the suspension or revocation of your license that you do now. We have also granted amnesty and in those cases where licenses of individuals are suspended, finally we have said that there is no problem getting a license back.

Mr. President, I would like to point out with respect to the provision of the amendment of the gentleman from Chester, Senator Stauffer, related to, that of the limited license bill; it is not a limited license bill, it is an unlimited license bill.

Mr. President, this legislation has come before the Senate three times previously since I have been a Member here; twice it was limited to those who needed their vehicles for their occupation, for earning a living and so forth, and the last time it came before the Senate it provided that virtually anybody can get a license if they pay the twenty-five bucks. The first two times I supported the legislation, the last time I did not.

This particular provision of the bill again provides that anyone who does not live within walking distance of a grocery store is permitted to have a limited license. I think that this is certainly detrimental to the safety of our highways. With respect to drunken driving, we kill 20,000 to 30,000 people a year in this country, many are on Pennsylvania highways. It is a very serious offense, and we are now saying that it is not as serious as it used to be. We are not imposing near the penalty. It is only twenty-five per cent of the penalty in most cases because ARD is acceptable to most everyone who is convicted of that particular crime.

Speeding is the other big cause of fatalities and injuries on the highway, and this bill will provide that there is virtually no possibility of winning a case through prosecution. It is a horrible bill with respect to highway safety. I do not know how it could be supported by anyone who is interested in safety on the highways and the welfare of those who use the highways.

Mr. President, another thing I would like to point

out in here—this has not been mentioned so far—is that there is a provision in this bill that provides an ambulance cannot exceed the speed limit. I do not know that that is really what we had in mind when we provide for emergency services; there is a provision that provides that the local municipality is jointly and severally liable for all negligent acts committed by members of volunteer fire companies. I do not know that that is what we want to do either. The municipality is not the entity which controls volunteer fire departments—and I certainly support volunteer firemen. Are we going to impose upon the local municipality the liability for anything that might occur with respect to negligence on the part of any volunteer fireman at any time? I think this is just a little bit further than we want to go.

Mr. President, we provide again in this bill for junior operators licenses, but we say they can lose it if they are in an accident. It does not have to be their fault. It does not have to be any negligence by them. If they are in an accident, they lose their license. I do not think this is fair.

We have dealt in points from another state, we have dealt with radar by local police and there are a number of problems here. Local police are allowed to use radar if they have ten salaried employees. Well, it would be very simple for any municipality to go out and hire ten people to be on the payroll as a salaried police officer for five bucks a month and, thereby, meet the criterion and they can then have radar. Now we do, fortunately, have the restrictions of the Municipal Police Training Act which would, to some extent, reduce this possibility. But the possibilities are there, and I think that we are in a position where we have so many bad provisions in this bill that it would be very difficult to accept.

The other problem that bothers me is the fact that we, as Members of the Senate, each represent about a quarter of a million people, and it is not the Senate that is going to provide input for this bill. I think the Committee on Transportation was very fair in dealing with the amendments that we did propose while it was in committee, but we have a lot of issues which should be disposed of by the Members of the Senate as a whole: We have the issue of radar for local police which, in the positions that have been taken, on which we are not accepting any amendments; so we did not have a full and fair debate on that and on amnesty. We have studded snow tires and we have a lot of issues which are very important on which we should all be voting and exercise our own judgment rather than taking the position, "Let us get it into the conference committee and let six people write it instead of 253." It would appear that the cost of reprinting is more important to some people than the welfare of the six or seven million drivers we have in Pennsylvania.

Mr. President, I am very unhappy in that we have had no genuine effort or undertaking by the Senate to deal with these very important issues, but we are going to delegate our responsibility. This certainly flies in face of the legislation that we have been dealing with recently, Senate Bill No. 526, which brings the Legislature into the rule-making power of State bodies. We have been very concerned about delegating our authority and the authority of various commissions and agencies and so forth and yet, here we are doing the same thing.

Mr. President, I will not be able to vote for this particular bill. There are too many glaring deficiencies in

it and I cannot support it, furthermore, because of the fact that it is going to be dealt with in the manner in which it has been decided, that is by a committee of conference. I think a committee of conference is a fine thing to resolve disputes but it is certainly not where legislation should be written. In all probability this bill will be far different when it comes out again; it is not going to be a resolution of differences, it is going to be authorship by that committee. I do not think this is what we, as Members of the Senate of Pennsylvania, are sent here to do. I think we should be deciding this issue ourselves. I will be voting against this bill. I am reluctant to do so because I think the right recodification is needed, but, unfortunately, it is far short of the needs of the people of Pennsylvania.

Senator HILL. Mr. President, I forgot a moment ago to mention one consequence of the random designation of offenses in the Motor Vehicle Code as either misdemeanors, felonies or summary offenses, whereas in the Crimes Code I think there was a rather careful effort made to designate them in one category or another.

In this Code there does not appear to be a really well-thought-out scheme of what should be in which category. I would like to point out that one consequence of that—and there are a number of them, but I am thinking only of one at the moment—is the question of when you can stop somebody without a warrant, when you can have a search and other like matters.

In the Committee on Judiciary, we have quite a bit of legislation which comes up dealing with when you can have a search and seizure without a warrant or when you can stop somebody and arrest somebody without a warrant. In this particular Code that is completely ignored. Things for which you could stop a person in the Crimes Code or which you could not arrest a person for in the Crimes Code, the very reverse is true in the Vehicle Code.

Again I say there should be a real effort to relate the two in a consistent manner. That is not at all true in this Code.

Senator DUFFIELD. Mr. President, I feel constrained to vote against this bill on the basis that I have nothing in particular against it. However, I have not had the opportunity to read it, let alone study it. I had no particular amendments. I have received probably more mail this spring on the Motor Vehicle Code than on any other piece of legislation. Certain people expressed their wishes and certain desires.

The House debated this and held public hearings, I understand, since the beginning of the year, and they have had the opportunity to put quite a bit of thought to it. I wanted to go over this bill very conscientiously this weekend. I stayed here until Friday hoping to get a copy of it, but I was told it would not be available until Tuesday, which was yesterday.

I realize there was ample opportunity afforded by the Committee on Transportation to place amendments. I wanted to see the bill after the amendments were in to see what effect the amendments had on the bill. Consequently, the first time I have seen this 415-page bill was yesterday afternoon. I have not had time to read it. I took it to bed last night. I read about fifty pages and fell asleep. I am sure there will be a lot of questions posed to me as to why I voted for this or why I voted for that. I hate to tell my constituents I voted for something I did not know I was voting for.

I state again I have no particular objection to any portion of the bill, because I do not really know what is in the bill. With all the amendments that were inserted by the Committee on Transportation, I thought it not worthwhile to read the bill prior to that because I knew the amendments would change the whole meaning and tenor of the bill, which it did.

Therefore, on that basis alone, on an important piece of legislation like this and probably one of the most important that we have had this year, if I had a chance to read it over the coming weekend or so, I might very well find nothing wrong with it. However, out of clear conscience I cannot vote for an important piece of legislation on so short a notice and something with which I am not at all familiar.

Senator MESSINGER. Mr. President, I have heard so often in the debate that this is going to a conference committee. There is no such guarantee. I have a peculiar feeling. I am not a fortune teller, but I have an idea the House may accept it as we send it over. Then the whole General Assembly will be blamed for a really horrible piece of legislation that is not for the safety of the majority of people of Pennsylvania, but actually is, as somebody described it, a safety violator's bill. I do not believe that anyone here can guarantee that that is going to a conference committee.

Mr. President, for that reason I cannot support the bill.

Senator COPPERSMITH. Mr. President, I, too, am going to vote against this bill. I have never voted for a "bread and butter" license bill since I have been in the Senate, and I cannot vote for any piece of legislation that has that provision in it.

I also tend to think that the thrust of this bill is wrong, that we are too concerned about the people who have violated the highway safety laws and not concerned enough about those who have suffered because of drunks and others who have caused untold injury and damage to people on the highways.

We should be more concerned about those who have been injured and hurt and less concerned about those who have violated the law. Otherwise, the highway carnage which exists today will continue.

Senator HAGER. Mr. President, I shall attempt to be brief. There are some times when I am very proud of what we do here. Unfortunately, this is not one of those days.

Earlier today I was speaking to the gentleman from Montgomery, Senator Fleming, and I told him things have become easier because I just do not let myself care as much any more. I find out again that I was wrong.

It seems to me that when we are a part of representative democracy and we are elected as the gentleman from Lawrence, Senator Andrews, says, to represent somewhere near one-quarter of a million people and then just because we decide that it would be more expeditious not to deal with the issues, to pass a mixed bag, a mess of legislation, on to what we hope will be a conference committee and then rely, win or lose, take it or leave it, on that basis, that we have completely walked away from our duty as Legislators.

With all due respect to my friend, the gentleman from Allegheny, Senator Scanlon, the argument which he brings forth by analogy, referring to the appropriations bill, seems to me to be the perfect argument for defeating his own point of view. How many of you have voted

against general appropriations bills and when you have done so, voted against things that you wanted very much because it included some turkeys, as the gentleman from Delaware, Senator Bell, calls them, some pork barrel items, some things that you just could not support? Yet, that is what we are doing here today.

How can any of us who take at all seriously the subject of highway deaths and injuries and the tremendous loss of dollars in property damage, vote for a bill which might otherwise be very important? We are told, after all, that we need this bill or we are going to lose Federal funding. How can we vote for all of those good things and, at the same time, vote for amnesty for those who have broken the law, many of them consistently and repeatedly, and, yet, we are going to give them back their license and say you get a fresh start? How can we vote for the good things when we have to vote for that at the same time? How can we vote for that "bread and butter" provision which, by the way, failed by one vote today? Yet, when this bill comes back before us, you will not have an opportunity to vote on "bread and butter," you will not have an opportunity to vote on amnesty. You will have an opportunity to vote on a mixed bag.

Gentlemen, I am afraid the Senate today looks like a mixed bag.

Senator AMMERMAN. Mr. President, I do not stand here to defend every decision which has been made or every procedure followed in our consideration of the problem of the new Motor Vehicle Code. However, I think at this point, considering everything involved, we can be as reasonably sure as we ever are that the bill would go to conference if we pass it today. That seems to me to be the most practical route to follow in coming up with a solution to this problem.

Therefore, I am going to vote for the bill; but I am going to do so with the statement that I feel when the conference committee comes out with its report, I will not be able to vote for the conference committee report unless the so-called "bread and butter" provision has been removed as the gentleman from Allegheny, Senator Scanlon, stated. I also think that the problems brought up by the gentleman from Philadelphia, Senator Hill, should be rectified. I have some confidence in who will probably be on the conference committee, and that they will successfully address themselves to these problems. I happen to think that the conference committee is just as much a working of the General Assembly as is the standing Committee on Transportation, or something else.

Mr. President, I think we ought to vote on the basis of how are we going to come to a practical and successful conclusion in this matter today rather than on what will make the best reading in the morning papers.

Senator FRAME. Mr. President, it has been alleged that the primary purpose of the proposed Motor Vehicle Code, House Bill No. 1817, which is before us today, is to change Pennsylvania's traffic laws to meet the requirements of the Federal Highway Safety Act of 1975. It has been pointed out that if these requirements are not met, Pennsylvania might well have imposed upon it a ten per cent penalty in its loss of its Federal Highway Aid Funds. If this were true, Pennsylvania would lose roughly \$30 million a year of the \$300 million a year in highway aid that we receive.

Now, I do not doubt that there are some provisions in this 415-page bill that are essential, and that we must

enact in order to preserve our position with the Federal government and qualify for continuing Federal aid. However, similarly, I do not believe for one moment that all of the provisions in these 415 pages are necessary to meet the Federal requirements.

My query is this: Can anyone tell the Members of the Senate—and particularly the Chairman of the Committee on Transportation—what provisions of this bill are essential to meet the Federal requirements and what provisions are simply other substantive matters added to the bill? If this inquiry could be answered, I think the Members would find it most helpful in making their decision.

Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Lynch.

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

Senator LYNCH. I will, Mr. President.

Senator FRAME. Mr. President, would the gentleman tell the Members of this Body which provisions of this bill are essential to meet the Federal requirements?

Senator LYNCH. Mr. President, the essential part to meet the Federal requirements is Rules of the Road which was submitted, more or less, in the committee. We have to comply with the speed limit of fifty-five miles per hour. I would have to revert to my manual.

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Bucks, Senator Howard, will state it.

Senator HOWARD. Mr. President, is my understanding correct that a conference committee report is not amendable?

The PRESIDENT. You are correct Senator. It is not amendable.

Senator HOWARD. So that, in fact, Mr. President, all of the issues that we have been voting on this afternoon, once this issue does in fact, if it does in fact, go to a conference committee, cannot then be reconsidered on individual merits, but we are going to have to take the results of that conference and vote on it as a complete package, either up or down; is that correct?

The PRESIDENT. When a conference committee report comes before the Senate, your only vote is "yes" or "no" on the report of the committee of conference.

Senator HOWARD. Mr. President, it seemed to me that just on the basis of that limitation alone, it would strike me that the procedure that suggests putting this into a conference committee and then dealing with it in that fashion goes finally to the very concept of what we are doing because, in fact, I think all of the issues that have been of the litany that the gentleman from Lawrence, Senator Andrews, raised are the kinds of issues which individually ought to be confronted by the Members of this Body and voted for or against on their individual merits rather than have to swallow the whole pill or reject it. For that reason alone I think we should settle the matter here, and properly, rather than permit it to go into conference.

Senator LYNCH. Mr. President, relative to the Federal Highway Safety Program, the things that were drawn up which we have to follow are these: Motor vehicle inspection, motor vehicle registration, drivers license,

traffic courts, alcohol in relation to highway safety. There are numerous categories here that were passed out, and I believe the Members on the other side of the aisle received these today before the caucus.

Senator FRAME. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Lynch.

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

Senator LYNCH. I will, Mr. President.

Senator FRAME. Mr. President, will the gentleman from Philadelphia, Senator Lynch, advise this Body if he is familiar with the new Federal Act? I am told it was enacted on May 5th of this year, which, in effect, provides that no Federal funds can be withheld from the states under the provisions we have been discussing until July 1st of 1977, thereby affording the states further time to make a more orderly study of what is needed to be done.

Senator LYNCH. Mr. President, would the gentleman please repeat the question?

Senator FRAME. My question, Mr. President, is as to whether the gentleman from Philadelphia, Senator Lynch, is aware of the new Federal Act enacted May 5th of 1976 that, in effect, provides a moratorium for the states to consider what they need to do to comply with the Federal Highway Safety Act by providing that the Federal government cannot withhold highway funds until July 1st, 1977, thereby affording the states a further opportunity to do a more careful and more deliberate study of what needs to be done to comply with the Federal requirements?

Senator LYNCH. Yes, Mr. President.

Senator STAUFFER. Mr. President, a few moments ago I heard the gentleman from Clearfield, Senator Ammerman, state that he had confidence in what the results would be with this bill going to a conference committee and I must say that I was amazed to hear him make that statement.

First of all, Mr. President, I was amazed to hear him indicate that this Senate should, in effect, abdicate its responsibility to properly deal with a piece of legislation and make a determination, and I would call his attention to the fact, also, that this confidence that he expressed certainly has to have a question raised about it if one examines the fact that those who are most likely to serve on the conference committee representing the Senate voted against every single amendment that was offered here today. So, while we are debating these serious issues in this bill, the probable conferees did not share, in the vote that was taken on each of them, in the concerns that were expressed by the individual Members. So I wonder how we can have the kind of confidence that we will get back a conference committee report that will give us a good Vehicle Code and one that can be supported. I think we are moving in the wrong way. I think it is a shameful day for the Senate to consider such a serious piece of legislation in such a frivolous manner and I, for one, will proudly cast a negative vote.

Senator MOORE. Mr. President, may I submit my remarks for the record to explain my forthcoming negative vote on House Bill No. 1817?

The PRESIDENT. The remarks of the gentleman will be noted in the record.

(The following remarks were made a part of the record at the request of the gentleman from Perry, Senator MOORE:)

Mr. President, I wanted a chance to vote today for a revision of the Vehicle Code, which is so badly needed.

I cannot, however, vote for legislation which is so defective and which contains so many provisions which clearly are in conflict with the advancement of highway safety.

Therefore, I must vote against this bill, House Bill No. 1817, in its present form and hope to be able to support a proper revision of the Vehicle Code at a later date.

**The PRESIDENT pro tempore (Martin L. Murray) in the Chair.**

And the question recurring,  
Shall the bill pass finally?

The PRESIDENT pro tempore. The Senate will be at ease for a few moments.

(The Senate was at ease.)

**The PRESIDENT (Lieutenant Governor Ernest P. Kline) in the Chair.**

And the question recurring,  
Shall the bill pass finally?

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

Senator EARLY. Mr. President, it has been brought to my attention that this bill is definitely going to a conference committee and since it is my desire to save the State money and since it is the most expeditious way of getting this bill passed for the safety of the people of Pennsylvania, I would like to change my vote from "no" to "aye" please.

The PRESIDENT. The gentleman will be so recorded.

Senator DUFFIELD. Mr. President, I previously stated I have not read the bill. I still have not read the bill. However, I do not intend to be an obstructionist. I voted against it, but if my vote is necessary to pass it, I will change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

**YEAS—26**

Ammerman,	Kelley,	Murray,	Ross,
Arlene,	Lewis,	Myers,	Scanlon,
Cianfrani,	Lynch,	Nolan,	Smith,
Duffield,	Manbeck,	Noszka,	Stapleton,
Early,	McKinney,	O'Pake,	Sweeney,
Hankins,	Mellow,	Orlando,	Zemprell,
Hobbs,	Murphy,		

**NAYS—23**

Andrews,	Fleming,	Howard,	Reibman,
Bell,	Frame,	Jubellrer,	Snyder,
Coppersmith,	Hager,	Kury,	Stauffer,
Dougherty,	Hess,	Lentz,	Tilghman,
Dwyer,	Hill,	Messinger,	Wood,
Ewing,	Holl,	Moore,	

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

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

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

**HB 2073**—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

**REQUEST FOR REPUBLICAN CAUCUS**

Senator FRAME. Mr. President, I would be most grateful if the Majority would be tolerant of us so that we might have a very short caucus of the Republican Senators in their caucus room just as promptly as possible.

**RECESS**

The PRESIDENT. This Senate will be in recess for a few minutes. The Republican Members are asked to report immediately to their caucus room.

**AFTER RECESS**

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

**HOUSE MESSAGE**

**HOUSE NONCONCURS IN SENATE  
AMENDMENTS TO HB 1817, AND  
APPOINTS COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives being introduced, informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1817**, and has appointed Messrs. BONETTO, STOUT and BEREN 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.

**CONSIDERATION OF HB 1817**

Senator MESSINGER. Mr. President, I ask for unanimous consent to consider House Bill No. 1817, Printer's No. 3266, at this time.

**BILL WHICH HOUSE HAS NONCONCURRED  
IN SENATE AMENDMENTS**

**SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 1817**

**HB 1817 (Pr. No. 3266)**—Senator MESSINGER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 1817, and that a Committee of Conference on the part of the Senate be appointed.

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

**PARLIAMENTARY INQUIRY**

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

The PRESIDENT. The gentleman from Venango, Senator Frame, will state it.

Senator FRAME. Mr. President, on the motion, I would like to note that while the Minority was still examining the mechanics of the roll call, the bill was, rather unusually, speedily transmitted from the possession of the Senate to the House and thereby depriving the Senate of the opportunity to take any further action in regard to the bill inasmuch as the Senate no longer had possession of the bill.

Mr. President, is it not true that once the measure has left the custody of the Senate and transmitted to the House, that further action by the Senate on the roll call and on the measure would not be proper or permissible?

The PRESIDENT. Senator Frame; that is correct. And for the information of the Members I can honestly say with the advice of the Parliamentarian and Secretary of the Senate that that transmission took place before the mild objections were raised a few minutes later because the House was waiting for the bill. I want that explanation to be on the record.

However, you are correct, Senator, once it left the possession of the Senate, it could not be reconsidered short of a motion to recall it from the House which was already lying in wait to nonconcur.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

### COMMITTEE OF CONFERENCE APPOINTED ON HB 1817

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators LYNCH, SMITH and MANBECK 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. 1817.

Ordered, That the Clerk inform the House of Representatives accordingly.

### CONSIDERATION OF CALENDAR RESUMED

#### REMAINING CALENDAR OVER IN ORDER

All remaining bills on today's Calendar not considered were passed over in their order at the request of Senator MESSINGER.

### UNFINISHED BUSINESS

#### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator MURPHY submitted the Report of Committee of Conference on SB 573, which was placed on the Calendar.

#### RESOLUTION REPORTED FROM COMMITTEE

Senator MELLOW, from the Committee on Environmental Resources, reported with amendment, Senate Concurrent Resolution, Serial No. 238, entitled:

Directing a Joint State Government Commission task force to study issue of energy park siting.

The PRESIDENT. The resolution will be placed on the Calendar.

### REPORTS FROM COMMITTEES

Senator MELLOW, from the Committee on Environmental Resources, reported, as committed, HB 305 and 1642; as amended, HB 797, 1462 and 2178.

Senator SMITH, from the Committee on State Government, reported, as committed, SB 1479 and HB 2202; as amended, HB 1893, 1956 and 1957.

### MEETING OF THE COMMITTEE ON APPROPRIATIONS

Senator MESSINGER. Mr. President, may I make an announcement at this time?

The PRESIDENT. You may, Senator.

Senator MESSINGER. Mr. President, the meeting of the Committee on Appropriations which was scheduled for today has been postponed until Monday, June 7, 1976, at 12:00 noon.

### SENATE RESOLUTION

#### DIRECTING THE COMMITTEE ON PUBLIC WELFARE TO HOLD PUBLIC HEARINGS ON ALLOCATION PROCEDURES AND DECISION-MAKING PROCESS OF THE DEPARTMENT OF PUBLIC WELFARE

Senator ZEMPRELLI offered the following resolution (Serial No. 89), which was read and referred to the Committee on Public Health and Welfare:

In the Senate, June 2, 1976.

WHEREAS, The General Assembly of the Commonwealth of Pennsylvania has consistently approved appropriations which it has had reason to believe to be sufficient to meet the needs of these citizens of Pennsylvania who require mental health or mental retardation services of any kind; and

WHEREAS, Despite this, the Department of Public Welfare has been unable to come to grips with the growing problem of the trend toward community treatment, resulting in a declining population in the State institutions, soaring costs for institutionalized patients and financial strictures for the community programs; and

WHEREAS, This failure of the department to develop real single-stream funding has resulted in a growing gap between the percentage of the appropriation allocated to the institution system and the declining percentage allocated to the community system, making it necessary to cut back on services to the residents of each catchment area; and

WHEREAS, Additionally the Department of Public Welfare has made no progress in effecting a pattern of funding which would enable the funds appropriated by the Legislature to follow each patient through the various branches of the system of delivery of services; therefore be it

RESOLVED, That the Public Health and Welfare Committee of the Senate hold public hearings calling upon the Department of Public Welfare to inform the Legislature about its allocation procedures and the decision-making process which has led to these financial incongruities; and be it further

RESOLVED, That the committee may hold hearings, take testimony and make its review at such places as it deems necessary within the Commonwealth. It may issue subpoenas under the hand and seal of its chairman commanding any person to appear before it and to answer questions touching matters properly being looked into and to produce such books, papers, records, or documents as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects or refuses to testify before the committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the Commonwealth in such case. Each member of the committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the committee will present its report to the Legislature by July 1, 1976, with its findings and recommendations.

**CONGRATULATORY RESOLUTIONS**

Senators FRAME, MURRAY, WOOD, BELL, SNYDER, FLEMING and LENTZ, on behalf of all of the Members of the Senate, offered the following resolution which was read as follows:

In the Senate, June 2, 1976.

WHEREAS, As we prepare to celebrate our Nation's Bicentennial on July 4 of this year, it is both fitting and gratifying that the Senate of Pennsylvania pause in its deliberations to recognize an important centennial celebration to occur on June 4, 1976; and

WHEREAS, On June 4, 1876, one month before the one-hundredth birthday of our Republic, M. Harvey Taylor was born in Harrisburg, Pennsylvania. It is impossible to list the accomplishments of one who has lived through half of our Nation's existence, whose public career began before the turn of the century and who has been a friend of Presidents and an intimate of countless Governors; and

WHEREAS, We in the Senate, therefore, note simply with pride and affection his twenty-four years of service in this Body, sixteen of them as our President Pro-Tempore. We attest to his ability, his fairness, his integrity, his energy and his devotion to his Country, the Commonwealth of Pennsylvania and his beloved Harrisburg.

Now therefore the Senate of the Commonwealth of Pennsylvania, with deep respect and heartfelt affection, expresses its wishes to Senator M. Harvey Taylor for a happy one-hundredth birthday on June 4, 1976.

And further directs that a copy of this document, sponsored by Senators Richard C. Frame, Martin L. Murray, T. Newell Wood, Clarence D. Bell, Richard A. Snyder, Wilmot E. Fleming and William B. Lentz, on behalf of all of the Members of the Senate, be transmitted to Senator M. Harvey Taylor.

On the question,  
Will the Senate adopt the resolution?

Senator FRAME. Mr. President, I merely wanted to note that the resolution just read by the Clerk was sponsored by the gentleman from Dauphin, Senator Lentz, who succeeded Senator Taylor, and by all of the Members of the Senate who had the pleasure of serving in this Body with Senator Taylor.

And the question recurring,  
Will the Senate adopt the resolution?  
The resolution was unanimously adopted.

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

Congratulations of the Senate were extended to Robert Jordan by Senator Sweeney.

Congratulations of the Senate were extended to Mr. and Mrs. John Quincy Adams and to Mrs. Mabel Bast by Senator Lentz.

Congratulations of the Senate were extended to the 1976 Phoenixville Area High School Boys' Tennis Team by Senator Stauffer.

Congratulations of the Senate were extended to Miss Viola E. Andrews, Miss Ashlie Franklin and to Sister Rebecca Fogelbach by Senator Orlando.

Congratulations of the Senate were extended to Timothy Hood Johnson by Senator Ewing.

Congratulations of the Senate were extended to Grove City College by Senator Dwyer.

Congratulations of the Senate were extended to Mr. F. L. Alexander by Senators Dwyer, Frame and Orlando.

**BILLS ON FIRST CONSIDERATION**

Senator MESSINGER. Mr. President, I move that 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 136, 1203, 1479, HB 305, 797, 1462, 1642, 1893, 1956, 1957, 2178 and 2202.**

And said bills having been considered for the first time,  
Ordered, To be laid aside for second consideration.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

Eastern Daylight Saving Time	DATE AND COMMITTEE	Room
THURSDAY, JUNE 3, 1976		
9:30 A.M.	LOCAL GOVERNMENT Joint Hearing with Pennsylvania Local Government Commission and House Local Government Committee to hear testimony and secure opinions on Senate Bill No. 1209 and House Bill No. 2045	Senate Majority Caucus Room
MONDAY, JUNE 7, 1976		
9:30 A.M.	STATE GOVERNMENT Public Hearing on nominee of Milton Lopus for appointment as Secretary of Revenue	Majority Caucus Room
12:00 Noon	APPROPRIATIONS to consider Senate Bill No. 340	350
12:30 P.M.	AGRICULTURE to consider Senate Bill No. 1252; House Bills No. 219 and 1607	182
TUESDAY, JUNE 8, 1976		
9:00 A.M.	PUBLIC HEALTH AND WELFARE to consider House Bills No. 546 and 1078	450
9:30 A.M.	LOCAL GOVERNMENT Local Government Commission Conference Room, room 633	
10:00 A.M.	STATE GOVERNMENT Public Hearing on nominee of Ethel Barnet for appointment to the Civil Service Commission	Majority Caucus Room



10:30 A.M.	JUDICIARY to consider Senate Bill No. 1243	172
11:00 A.M.	EDUCATION to consider Senate Bills No. 224, 928, 1412, 1413, 1517 and House Bill No. 1556	188
12:00 Noon	RULES AND EXECUTIVE NOMINATIONS Rules Committee Conference Room	

WEDNESDAY, JUNE 9, 1976

9:00 A.M.	CONSUMER AFFAIRS to consider House Bills No. 170 and 502	Majority Caucus Room
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**ADJOURNMENT**

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Monday, June 7, 1976, 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.