

# Legislative Journal

TUESDAY, FEBRUARY 14, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 12

## SENATE

TUESDAY, February 14, 1984.

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

The PRESIDENT pro tempore (Henry G. Hager) in the Chair.

## PRAYER

The Chaplain, the Reverend Dr. SAMMIE BASSORD, Pastor of First Baptist Church, Midland, offered the following prayer:

Let us pray.

Our Father which art in heaven, hallowed be Thy name. We give thanks this day for the opportunities that we have to be able to bless others less fortunate than we. Let our motto for today be, if I can help somebody as I pass along this way, then my living will not be in vain.

God grant us hearts of compassion that we might be sensitive to the needs of the needy and the ability to do something about it.

Bless the Governor, the Lieutenant Governor, the Senate, the House and the Courts. Be their strength and their wisdom. Give them good health and a peace of mind. Be their refuge in the times of adversity and in the moments of indecision guide their minds.

We pray that the business of this day would be for the upgrading of our present economic situation and the suffering and hardships that have gripped this nation as a result, and especially in western Pennsylvania.

We pray that broken families will be united, hopelessness will be engulfed by hope, the deep wounds of unemployment will be healed by the medicine of employment and prosperity. May economic recovery become a reality and not just a proposed bill and delayed legislative action.

God use these men as Your instruments to bring prosperity and hope to this nation, and may we be a nation that truly trusts in God.

This we pray in the name of Jesus Christ our Lord and Savior. Amen.

## JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 13, 1984.

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

## LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Wilt who is meeting with Secretary of Welfare Cohen in his capacity as Chairman of the Committee on Public Health and Welfare. I request temporary legislative leaves of absence for Senator Howard and Senator Hopper.

Senator STAPLETON. Mr. President, I request a legislative leave of absence for Senator Fumo for the entire day.

The PRESIDENT pro tempore. The Chair hears no objection and the leaves are granted.

## LEAVE OF ABSENCE

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

## HOUSE MESSAGES

### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 547, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 547**, and has appointed Messrs. MANDERINO, PIEVSKY and RYAN as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

**MEETING OF THE COMMITTEE OF CONFERENCE ON SB 547**

The PRESIDENT pro tempore. The Chair wishes to announce that the Minority and Majority Leaders of the Senate have given their permission for a meeting of the Committee of Conference on Senate Bill No. 547 to be called during the Session of the Senate and off the floor.

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

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

February 14, 1984

- HB 226** — Committee on Public Health and Welfare.
- HB 749** — Committee on Finance.
- HB 1175 and 1359** — Committee on Local Government.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair wishes to announce the presence on the floor of Senator Hopper whose temporary legislative leave of absence has expired.

**REPORTS FROM COMMITTEES**

Senator SNYDER, from the Committee on Judiciary, reported the following bill:

**SB 910 (Pr. No. 1086)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for compulsory arbitration.

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

**SB 508 (Pr. No. 1725) (Amended) (Rereported)**

An Act providing for the operation, expansion and delivery of cable communications services; imposing powers and duties on municipalities; validating certain existing contracts and imposing additional powers and duties on the Department of Community Affairs.

**SB 897 (Pr. No. 1726) (Amended) (Rereported)**

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," eliminating mandatory retirement.

**SB 898 (Pr. No. 1727) (Amended) (Rereported)**

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," eliminating mandatory retirement.

**SB 1168 (Pr. No. 1546)**

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," revising, amending, adding and changing provisions.

**SB 1231 (Pr. No. 1728) (Amended)**

An Act establishing the fees to be charged and received by sheriffs.

**HB 712 (Pr. No. 794)**

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further providing for records.

**HB 713 (Pr. No. 795)**

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for records.

**HB 714 (Pr. No. 796)**

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for records.

**CALENDAR**

**SPECIAL ORDER OF BUSINESS**

**HB 559 CALLED UP OUT OF ORDER**

**HB 559 (Pr. No. 1593)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 559 (Pr. No. 1593)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing the amount paid by the Commonwealth.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

**YEAS—49**

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lincoln	Rocks	Tilghman
Greenleaf	Lloyd	Romanelli	Wenger
Hager	Loeper	Ross	Williams
Hankins	Lynch	Scanlon	Wilt
Helfrick	Mellow	Shaffer	Zemprelli
Hess			

**NAYS—0**

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

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

### RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate for a very brief Republican caucus to take place in the Rules Committee room at the rear of the Senate Chamber. It is our purpose to caucus on one issue and one issue only. We will break for caucus for approximately half an hour to forty-five minutes and then come back to caucus on the day's Calendar. I expect, considering the hour right now, that we would be back in caucus for the second part of the Calendar at approximately 4:30 p.m. and back to the floor at approximately 5:30 p.m.

The PRESIDENT pro tempore. Senator Jubelirer has requested a recess of the Senate for the purpose of a Republican caucus to take place in the Rules Committee room at the rear of the Senate Chamber on one subject only and for the purpose of then breaking from caucus until approximately 4:30 p.m. at which time the Members of the caucus will be recalled to the caucus room on the first floor of the Capitol.

Senator ZEMPRELLI. Mr. President, I ask the Members of the Democratic caucus to report to the caucus room immediately for the purpose of reviewing the Calendar and other important legislative considerations.

The PRESIDENT pro tempore. For the purposes of Republican and Democratic caucuses to take place in the Rules Committee room and the Minority caucus room at the rear of the Senate Chamber, the Senate is now in recess.

### AFTER RECESS

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

### LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, can the Chair inform me whether a legislative leave of absence was granted today for Senator Shumaker?

The PRESIDENT pro tempore. No, Senator, none was requested. The only persons who are presently on leave are Senator Wilt, Senator Howard, Senator Fumo and Senator Lewis.

Senator STAUFFER. Then, Mr. President, at this time I request a legislative leave of absence for Senator Shumaker who is off the floor in a legislative meeting.

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

Senator STAUFFER. I also request temporary legislative leaves of absence for Senator Jubelirer and Senator Loeper who are off the floor in a meeting of a Committee of Conference.

The PRESIDENT pro tempore. Is there objection to the granting of temporary legislative leaves of absence for Senator Jubelirer, Senator Loeper and Senator Zemprelli? The Chair hears no objection and the leaves are granted.

Senator SCANLON. Mr. President, I would like to change the personal leave of absence for Senator Lewis to a legislative leave of absence for the remainder of the day. I also request legislative leaves of absence for Senator Stout and Senator Lynch.

The PRESIDENT pro tempore. Is there objection to the granting of legislative leave of absence for Senator Lewis for the balance of today's Session? The Chair hears none. His personal leave of absence is terminated and his legislative leave of absence, without objection, will be granted. The legislative leaves of absence for Senator Stout and Senator Lynch are also granted.

### PARLIAMENTARY INQUIRY

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

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

Senator KELLEY. Mr. President, may I inquire about those Members who are on respective leaves of absence as of now?

The PRESIDENT pro tempore. Is the Senator asking for a listing of those persons who are on leave?

Senator KELLEY. Yes, Mr. President.

The PRESIDENT pro tempore. The Chair lists Senator Wilt, Senator Howard, Senator Shumaker, Senator Jubelirer, Senator Loeper and Senator Zemprelli on temporary legislative leaves of absence. Senator Fumo, Senator Stout, Senator Lynch and Senator Lewis are on legislative leaves of absence.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. For the record, the Chair recognizes that Senator Wilt is on the floor and his temporary legislative leave of absence is now terminated.

### CONSIDERATION OF CALENDAR RESUMED

#### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 152 (Pr. No. 1549)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for membership on the commission.

Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 152.

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

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

YEAS—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

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

**SB 288 (Pr. No. 1714)** — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the purchase and sale of precious metals.

Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 288.

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

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

YEAS—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

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

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

SENATE NONCONCURS IN HOUSE AMENDMENTS

**SB 503 (Pr. No. 1680)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), entitled "The General County Assessment Law," further providing for assessments when sewer connection bans are imposed; and providing for a phase-in of certain reassessments.

Senator STAUFFER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 503, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

SENATE CONCURS IN HOUSE AMENDMENTS

**SB 506 (Pr. No. 1684)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), entitled "Second Class County Assessment Law," further providing for assessments when sewer bans are imposed; redefining the term "established predetermined ratio"; and further providing for ratios.

Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 506.

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

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

YEAS—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

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

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

**HB 8** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

## BILL LAID ON THE TABLE

**HB 224 (Pr. No. 1649)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for hearings on applications for new hotel and restaurant liquor licenses and the issuance of such licenses and for the surrender of club licenses; and requiring notices to certain municipalities.

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

## RECONSIDERATION OF HB 224

Senator SCANLON. Mr. President, I move that we reconsider the vote by which House Bill No. 224 was laid upon the table.

The PRESIDENT. The move to reconsider is not in order as this is a procedural motion. The correct motion would be to move to take House Bill No. 224 off the table.

Senator SCANLON. Mr. President, I move that House Bill No. 224 be taken from the table and placed on the Calendar.

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

Senator STAUFFER. Mr. President, on the motion to remove House Bill No. 224 from the table, I ask for a negative vote.

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

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

## YEAS—23

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

## NAYS—27

Bell	Hess	Loeper	Snyder
Brightbill	Holl	Moore	Stauffer
Corman	Hopper	O'Connell	Street
Fisher	Howard	Pecora	Tilghman
Greenleaf	Jubelirer	Rhoades	Wenger
Hager	Kratzer	Shaffer	Wilt
Helfrick	Kusse	Shumaker	

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

The PRESIDENT. House Bill No. 224 will remain on the table.

## LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair notices the presence on the floor of Senator Jubelirer, Senator Loeper and Senator Zemprelli. Their temporary legislative leaves of absence will now be cancelled.

## THIRD CONSIDERATION CALENDAR RESUMED

## BILL ON THIRD CONSIDERATION AMENDED

**SB 1017 (Pr. No. 1273)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing that attorney trust funds may be placed in interest-bearing accounts; providing that the interest generated on such accounts be used to provide legal services for the indigent; and establishing a mechanism for this funding.

Considered the third time,

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

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

Amend Sec. 3, page 2, line 28, by striking out "Banking" and inserting: Depository

Amend Sec. 3, page 2, line 28, by inserting after "bank,": bank and trust company,

Amend Sec. 3, page 3, lines 2 and 3, by striking out " provided that such banking institution conducts its principal banking business in this Commonwealth"

Amend Sec. 3, page 3, line 15, by striking out "banking" and inserting: depository

Amend Sec. 6, page 4, line 27, by striking out "banking" and inserting: depository

Amend Sec. 6, page 5, line 1, by striking out "banking" and inserting: depository

Amend Sec. 6, page 5, line 3, by striking out "banking" and inserting: depository

Amend Sec. 6, page 5, line 6, by striking out "banking" and inserting: depository

Amend Sec. 6, page 5, line 7, by striking out "banking" and inserting: depository

Amend Sec. 6, page 5, line 12, by striking out "computation and"

Amend Sec. 6, page 5, lines 16 and 17, by striking out "computation and"

Amend Sec. 6, page 5, line 29, by striking out "banking" and inserting: depository

Amend Sec. 6, page 6, line 1, by striking out "banking" and inserting: depository

Amend Sec. 6, page 6, line 7, by striking out "banking" and inserting: depository

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

It was agreed to.

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

## BILL OVER IN ORDER

**SB 1045** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1081 (Pr. No. 1709)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the appointment, terms and qualifications of commission members.

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—48

Andrezeski	Holl	Mellow	Shaffer
Bell	Hopper	Moore	Shumaker
Bodack	Howard	Musto	Singel
Corman	Jubelirer	O'Connell	Snyder
Early	Kelley	O'Pake	Stapleton
Fisher	Kratzer	Pecora	Stout
Fumo	Kusse	Reibman	Street
Greenleaf	Lewis	Rhoades	Tilghman
Hager	Lincoln	Rocks	Wenger
Hankins	Lloyd	Romanelli	Williams
Helfrick	Loeper	Ross	Wilt
Hess	Lynch	Scanlon	Zemprelli

## NAYS—2

Brightbill      Stauffer

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

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

## BILL OVER IN ORDER ON FINAL PASSAGE

**HB 1209 (Pr. No. 2438)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for parking for handicapped persons; further providing for the use of hearing impairment devices; providing for inspection of motorcycles; and adding provisions relating to motorcycle safety.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 8, by striking out "Sections 3314 and" and inserting: Section

Amend Sec. 1, page 1, line 9, by striking out "are" and inserting: is

Amend Sec. 1 (Sec. 3314), page 1, lines 10 through 16; page 2, lines 1 through 5, by striking out all of said lines on said pages

Amend Sec. 3, page 5, lines 24 through 28, by striking out all of said lines and inserting:

Section 3. This act shall take effect in 90 days.

On the question,

Will the Senate agree to the amendment?

Senator EARLY. Mr. President, the purpose of the amendment is to include the prohibitive of using a radio in their ears when they are driving a motorcycle. The bill prohibits them from using it when they drive a car, which is understandable. If they are driving a car, it is very difficult to do it properly while they have earphones in their ears listening to rock and

roll music. The bill specifically states that they can listen to rock and roll music with the earphones in their ears if they are operating a motorcycle as long as they have a helmet on. I think it is very unfair that we permit individuals to operate a motorcycle and listen to rock and roll music in the process. It states that on page 2, line 3, "This section shall not apply to motorcycle operators complying with Section 3525 relating to protective equipment for motorcycle riders."

If we go back to page 1, line 10, prohibiting the use of hearing impairment devices, they cannot use a hearing impairment device if they are operating a car. On line 2, it says they can use a hearing impairment device if they are operating a motorcycle. I do not think we really want that, Mr. President.

Senator KUSSE. Mr. President, just briefly, I oppose the amendment and ask that my colleagues vote in the negative.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Early.

The PRESIDENT. Will the gentleman from Allegheny, Senator Early, permit himself to be interrogated?

Senator EARLY. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, does the gentleman drive a motorcycle?

Senator EARLY. No, Mr. President.

Senator BRIGHTBILL. Mr. President, I note very briefly that people who ride motorcycles—we have some House Members who are frivolous enough to undertake that kind of activity and I am sure there are, perhaps, some Senators—inform me that with a helmet they are unable to hear the surrounding traffic in any case. The device this seeks to permit and the trend among people who ride is a device which permits the rider to not only listen to music if he chooses, in which case he is not missing the road sounds, but he can also adjust his microphones so he can speak to his passenger and he can also better hear the road sounds than he can without any device at all. That is why people who are knowledgeable in this field are promoting this amendment, because he can ride a motorcycle and with this electronic device he can hear the road sounds around him. He can be a better and safer motorist. The people who are promoting this feel that, on balance, it is a better device and a safer situation.

Senator EARLY. Mr. President, this is the first time I heard that if the rider puts a radio in his ears, he can hear road sounds much better. If the gentleman is talking about a particular device which would enable him to hear road sounds and automobile horns, I would be in total agreement with him. But if the gentleman would read on page 1, it says, "prohibiting use of hearing impairment devices." It does not say permitting use of devices that will help them hear.

Even though I do not ride a motorcycle, I would like to do everything I can to enable our highways to be safe for motorcyclists. Last week the gentleman from Luzerne, Senator O'Connell, called me the "safety nut" and I will accept that title. As the "safety nut" of the Senate, there is no way I can permit legislation which states "prohibiting use of hearing impairment devices." Perhaps the gentleman would want to offer an amendment to take "impairment" out and say per-

mitting the use of a device that would help the rider hear, not prohibit him from hearing. What we have here is permitting someone to put a radio in his ear with the decibels which will probably be much greater than we are accustomed to and the gentleman is saying he is permitted to use that if he operates a motorcycle, but he is not permitted to have the hearing impairment on his ears if he operates a car. I think we should be concerned about those who drive motorcycles the same as we are about those who drive cars.

Mr. President, I emphasize "hearing impairment." The amendment does not say "hearing improvement."

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

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

YEAS—24

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

NAYS—26

Bell	Holl	Moore	Snyder
Brightbill	Hopper	O'Connell	Stauffer
Corman	Howard	Pecora	Street
Fisher	Jubelirer	Rhoades	Tilghman
Greenleaf	Kratzer	Shaffer	Wenger
Hager	Kusse	Shumaker	Wilt
Helfrick	Loeper		

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

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

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 FOR BILL OVER IN ORDER

Senator HESS. Mr. President, I respectfully move that this bill go over in its order.

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

The motion was agreed to.

The PRESIDENT. House Bill No. 1209 will go over in its order on final passage.

BILL OVER IN ORDER

**SB 1217** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

**HB 1405 (Pr. No. 2394)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to the rights of purchasers of defective new motor vehicles.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER. Mr. President, I request that House Bill No. 1405, Printer's No. 2394, go over in its order.

Senator ZEMPRELLI. Mr. President, I object to House Bill No. 1405 going over in its order.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER. Mr. President, I request that House Bill No. 1405, Printer's No. 2394, go over in its order temporarily.

The PRESIDENT. Without objection, House Bill No. 1405 will go over in its order temporarily.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1445 (Pr. No. 2530)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The C. P. A. Law," approved May 26, 1947 (P. L. 318, No. 140), creating the State Board of Accountancy and granting it powers and duties; further providing for education and experience requirements and permits to practice; and providing for injunctions and penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 10 (Sec. 8.2), page 19, line 5, by striking out all of said line and inserting: date, complete [eighty] forty-eight hours of continuing

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. Mr. President, I hope to make my remarks cogent, brief and, otherwise, succinct. The amendment simply deals with the number of hours of compulsory study for certified public accountants. The fact of the matter is the bill before us would call for eighty hours of such extended education. The amendment would reduce that number to forty-eight hours.

The purpose of the reduction in the number of hours is, first of all, because forty-eight hours each year is more than sufficient for that kind of educational process. More important than that, I think it is important to understand who is pursuing this amendment. It happens to be the large certified public accountant firms which have in-house instructions and which have a great deal of monetary value in their pursuit of those objectives. Whereas, the certified public accountant who lives in rural Pennsylvania, the individual practitioner, does not have the same opportunity for that instruction, he must travel to center city, he must find himself an instruction

course and, most often, if he is a single practitioner, he finds himself out of business during that period of time.

What I am suggesting, Mr. President, is there are two independent standards which relate to the same profession, one that is ultimately and substantially to the benefit of the large certified public accountant firms for the reason that they have in-house instruction and for the reason that they can conduct that instruction, and the opposite is true of those individual practitioners who do not have those benefits but are subjected to that course of training.

Mr. President, I have heard from many small practitioners who are upset at the fact that the degree of continuing education that would be required at eighty hours is to their great disadvantage. I ask each and every Member of the Senate to consider what impact this will have upon this specific profession, and to also think in terms of the corollary that this would have with other professionals in terms of extended education; the real estate business, the legal practice. I know if this applied to the legal practice, I would be absolutely incensed at the fact that somebody would require me to go for eighty additional hours of study in order to continue my profession.

Mr. President, I ask for a positive vote on the amendments to reduce the hours from eighty to forty-eight.

Senator JUBELIRER. Mr. President, with all due respect for my learned colleague, the Minority Leader, I represent rural Pennsylvania. I have found that is not the case in my district, in fact it is just the opposite. I have been asked by my single practitioners and two person accounting firms to vote for the bill as is and to resist the amendment. The logic behind it is that, frankly, there has been an awful lot coming out about changing the laws, even though the communication to me was that it may be inconvenient but, by any circumstances, we need it. I hope we can maintain the bill the way it is. For that reason, Mr. President, in representing those people, I am going to vote against the amendment and I believe the way the matter is it will better professionalize the system and, frankly, I have not found the kind of resistance to the eighty hours of continuing education that the gentleman from Allegheny, Senator Zemprelli, has. For that reason I urge a "no" vote on the amendment.

Senator MELLOW. Mr. President, I am not going to prolong the discussion with regard to this amendment, although I think the amendment which has been offered by the gentleman from Allegheny, Senator Zemprelli, and strongly supported by myself, is a very appropriate amendment to this particular bill. I am probably the only Member of the Senate who can speak on the floor of the Senate having firsthand knowledge and operation as to what the eighty hours of continuing professional education means with regard to the licensure of public accountants. I can tell the Members the only other group of professionals who has any kind of a mandated continuing education that comes anywhere near what is being asked of the accountants is the nursing home administrators. The number of hours of continuing education for a nursing home administrator is forty-eight hours every

two years. Pharmacists, nurses, chiropractors, real estate agents, attorneys, physicians, none of them have a mandated professional continuing education. The people who are in the vineyard, Mr. President, not necessarily 100 percent of them, but those basically who are working as professional accountants will tell the Members that, almost to a man, eighty hours is a bailout of the Big Eight accounting firms and it is something that our major universities and colleges, which are providing this continuing education, are strongly in favor of. I totally oppose it, not because it is in any way going to infringe on the continued professional education of practicing public accountants, but, basically, because it is asking entirely too much of one industry. I think the forty-eight hours of continuing education over a two year period of time is quite sufficient.

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

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

## YEAS—17

Fumo	Musto	Rocks	Shaffer
Lewis	O'Connell	Romanelli	Stout
Lincoln	O'Pake	Ross	Williams
Lynch	Rhoades	Scanlon	Zemprelli
Mellow			

## NAYS—33

Andrezeski	Hankins	Kratzer	Singel
Bell	Helfrick	Kusse	Snyder
Bodack	Hess	Lloyd	Stapleton
Brightbill	Holl	Loeper	Stauffer
Corman	Hopper	Moore	Street
Early	Howard	Pecora	Tilghman
Fisher	Jubelirer	Reibman	Wenger
Greenleaf	Kelley	Shumaker	Wilt
Hager			

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

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

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

## YEAS—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger



Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

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

**HB 1565 (Pr. No. 2531)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Landscape Architects' Registration Law," approved January 24, 1966 (1965 P. L. 1527, No. 535), reestablishing and continuing the State Board of Landscape Architects; increasing per diem reimbursement for board members; providing for removal from the board for nonattendance at meetings; removing the requirement that the board keep a list of all licensed landscape architects; requiring the board to furnish the General Assembly with status reports of pending formal complaints; reducing the experience requirement of applicants; further providing for exemptions from licensing; and making editorial changes.

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—50

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow		

NAYS—0

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

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

**HB 1405 CALLED UP**

**HB 1405 (Pr. No. 2394)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL LAID ON THE TABLE

**HB 1405 (Pr. No. 2394)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to the rights of purchasers of defective new motor vehicles.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Warren, Senator Kusse, will state it.

Senator KUSSE. Mr. President, is the bill now on final passage?

The PRESIDENT. The bill is on third consideration, Senator.

Senator KUSSE. Mr. President, can it be moved to final passage?

The PRESIDENT. If it is not amended.

Senator KUSSE. Mr. President, after it is moved to final passage, may I then ask unanimous consent to offer amendments?

The PRESIDENT. No, Senator.

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

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator KUSSE. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDENT. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator KUSSE. Mr. President, if this bill is tabled, will the Majority Leader agree to bring it off the table at the first available opportunity?

Senator JUBELIRER. Mr. President, I would move that the bill be taken from the table at the earliest date which, in my judgment, would be the next Session day which would be Monday, February 27th. That will be the next Session day we return which would then give the bill a first day reading rather than the tenth day which it is on now.

MOTION TO LAY BILL ON TABLE

Senator KUSSE. Mr. President, inasmuch as the Majority Leader has indicated that he would be willing to bring the bill off the table at the first available opportunity, I, therefore, move that House Bill No. 1405 be laid upon the table.

On the question,

Will the Senate agree to the motion?

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

## YEAS—35

Andrezeski	Hess	Lynch	Singel
Brightbill	Holl	Mellow	Snyder
Corman	Hopper	Moore	Stapleton
Early	Howard	Musto	Stauffer
Fisher	Jubelirer	Rocks	Wenger
Fumo	Kusse	Romanelli	Williams
Hager	Lewis	Scanlon	Wilt
Hankins	Lloyd	Shaffer	Zemprelli
Helfrick	Loeper	Shumaker	

## NAYS—15

Bell	Kratzer	Pecora	Stout
Bodack	Lincoln	Reibman	Street
Greenleaf	O'Connell	Rhoades	Tilghman
Kelley	O'Pake	Ross	

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

The PRESIDENT. House Bill No. 1405 will be laid on the table.

### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator JUBELIRER, by unanimous consent, submitted the Report of Committee of Conference on **SB 547**, which was placed on the Calendar.

### SUPPLEMENTAL CALENDAR NO. 1

#### REPORT OF COMMITTEE OF CONFERENCE

##### REPORT ADOPTED

**SB 547 (Pr. No. 1731)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the indebtedness, with the approval of the electors, of \$190,000,000 to promote economic redevelopment throughout Pennsylvania through job producing programs; grants and loans for industrial and small business development; acquisition of equipment for vocational programs in secondary schools, community colleges and engineering degree-granting schools; agricultural development; and the acquisition, rehabilitation or development of facilities for community services and public recreation purposes.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 547.

On the question,

Will the Senate agree to the motion?

Senator PECORA. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

The PRESIDENT. Will the gentleman from Allegheny, Senator Zemprelli, permit himself to be interrogated?

Senator ZEMPRELLI. I will, Mr. President.

Senator PECORA. Mr. President, because we are voting on a \$190 million bond issue, I wonder if the gentleman could answer as to what the interest rate would be on this bond issue?

Senator ZEMPRELLI. Mr. President, it is a matter for the market to determine at the time that the issue is offered. The market would determine not only the amount of the interest, it would also dictate what terms are available for the amortization of the bond issue. Those are all done after counsel has met, finance counsel has met, bond counsel has been hired and the issue has been offered to the public market.

Senator PECORA. Mr. President, perhaps the gentleman could tell me what the interest rate is presently, is it 9 percent?

Senator ZEMPRELLI. Mr. President, having some familiarity with this area and understanding that this bond issue would qualify as a tax-exempt municipal bond, it is reasonable to expect that the interest rate would probably be somewhere between 7 percent and 8 percent.

Senator PECORA. Mr. President, I would like another question answered. What is the percentage fee for bond counsel?

Senator ZEMPRELLI. Mr. President, if that question is being asked of me, that is a negotiated proposition in the sense that it can be anywhere from a set fee, which seems to be what is happening of late in handling these matters, or it can be a percentage transaction. Certainly, that decision would not be up to me, it would be up to the Administration.

Senator PECORA. Mr. President, what was the set fee on past bonds or legal counsel fee percentages?

Senator ZEMPRELLI. Mr. President, the amount of counsel fees on bond issues depends upon the size of the issue, the involved nature of the issue and how much competition there is for consideration of the work to be done. It has ranged all over the ball park. I could not make a judgment or guess as to what the bond fees or counsel fees would be. The only regret I have is that I would not be a part of the force which would determine what those fees would be or participate in making those fees. That would be a matter for the Administration to handle.

Senator PECORA. Mr. President, is the gentleman familiar with the previous bond counsel fees and bond attorney fees, legal counsel fees? What were the previous ones?

Senator ZEMPRELLI. Mr. President, I am not.

Senator PECORA. Mr. President, are they based on a 10 percent as usual, 11 percent or are they lower?

Senator ZEMPRELLI. Mr. President, I am sure they are not 10 percent or 11 percent. In saying that, I am simply guessing because I have no idea what those fees are. I assume this Administration would use good judgment in the retention of counsel and financial advisors. Nobody has ever asked me if I should pass upon counsel or bond counsel or whatever the situation is. My involvement with the passing upon bonds and bond counsel has been with municipalities other than the Commonwealth.

Senator PECORA. Mr. President, will the bond counsel and the legal counsel be authorized by the Governor at his discretion with input from the Administration? Will they be comparable to what I read in the newspapers that the attorneys were being paid who were representing this Administration in the information provided to the gentleman from Bucks, Senator Lewis?

Senator ZEMPRELLI. Mr. President, I never believed that in my lifetime I would be asked a question like that in light of what my responsibility is in this General Assembly. I was just as incensed as that gentleman was at the size of those fees, and I ask the Bruce Kauffmans of the world to come forward and show their schedule of time which would justify fees in the amount of \$960,000. I would also be incensed if I saw some of those other fees. They seem to be astronomical for the amount of work that was done. I think there needs to be an accounting for it. Having said that, I understand that a man's work and time in his profession is important and they may very well be justified if, in fact, the time is spent and the occasion presented itself that there was justification within the standards of fees which are charged for services rendered.

However, it does seem to me—and I mean this in all seriousness—they are very, very extravagant. I, for one, would join the gentleman in a resolution. As a matter of fact, I propose that since the gentleman has given me the idea, I will offer a resolution for joint sponsorship which would call for an investigation of these kinds of fees so that all of us could go forward from these Chambers and say yes, they were justified or no, they are unreasonable and beyond anyone's comprehension for the services rendered, the time that was placed and the magnitude of the case that was involved. I commend the gentleman for his astuteness, his observation and his willingness to stand up and take on his Administration and point a finger and say, "Come forward and explain how you justify these fees." I could go on forever and ever. Mr. President, I can hardly wait for the next question.

Senator PECORA. Mr. President, I am very upset to realize the gentleman from Allegheny, Senator Zemprelli, has again signed legislation here for a bond issue of \$190 million when he is upset and discouraged over the amount of money he considered was wasted by this Administration. I must assume the other side of the aisle, with the great intelligence they possess, will not support this type of legislation which will put us into the derogatory position of wasting taxpayers' dollars on interest, legal fees and bond counselor fees. That is one reason I will oppose this legislation.

Senator BELL. Mr. President, insofar as this bill did not go through any Standing Committees and it was developed as a last minute idea and has to be rushed with express train speed through this Legislature, I would like one of the master architects to tell me whether or not I am wrong. If the people of Pennsylvania, in their wisdom or lack of wisdom, vote for this, this question is so worded that \$189,999,999 could be spent on computers for high schools and \$1.00 for economic development. Is that not correct?

Senator ZEMPRELLI. Mr. President, I am sorry. I was not listening to the gentleman.

Senator BELL. Mr. President, all right, I will start all over again. The question which is being submitted to the people of Pennsylvania is to borrow \$190 million. I do not want to interrogate my friend, I want one of the people on this side to answer.

Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDENT. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Mr. President, I understand the question. I think the gentleman's precise interpretation could be correct if the General Assembly in its wisdom passed implementing legislation of that kind, but nothing of that kind could ever happen if both houses of the General Assembly refuse to pass that kind of thing. I think there is some reasonable expectation to think that would not happen.

Senator BELL. Mr. President, am I not correct that if there is a conference in a smoke-filled room with people who control enough votes after the bond issue is authorized outside the Constitution, could they not—those with sufficient votes—put into a bill before this Legislature that this money go almost anyplace they want with this broad description in here?

Senator JUBELIRER. Mr. President, is that asked of me?

Senator BELL. Yes, Mr. President.

Senator JUBELIRER. Mr. President, I would respond to the gentleman in this way, I have far greater confidence in this General Assembly than to expect anything like that to happen. I have great confidence in the gentleman who asked the question because he has been a watchdog of this Senate and this Legislature, certainly since I have been here and a long time before that, as are many who are here beside him. I think the checks and balances of implementing the legislation are sufficient to assure that the purpose of this particular bond issue which is to be job creating, to have strong bricks and mortar connotations and to be a supplement to the Governor's budget to put Pennsylvanians back to work, is exactly what it is intended to do and nothing more. The checks and balances are indeed here.

Senator BELL. Mr. President, as I do not have the silver tone of the two leaders, I can only say what I read in here. I read in here a blank check to the Legislature to spend \$190 million of bonded indebtedness. If I were able to line the votes up, I would put it all into my district to help out economic redevelopment, but I do not have the votes. I do not know what combination is going to be effected in this Chamber and in the other Chamber. I am not a dead hero but a live coward, and I will probably vote for it. I am going to say this to the Members, when they go back to their districts and some little old lady or some little old gentleman comes up to them and asks where that money is going to go, they are going to say, "Trust us, the Legislature." Do the Members know what they are going to tell them?

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—46

Andrezeski	Hess	Lynch	Scanlon
Bell	Holl	Mellow	Shaffer
Bodack	Hopper	Moore	Shumaker
Brightbill	Howard	Musto	Singel
Corman	Jubelirer	O'Connell	Stapleton
Early	Kelley	O'Pake	Stout
Fisher	Kratzer	Reibman	Street
Fumo	Kusse	Rhoades	Wenger
Greenleaf	Lewis	Rocks	Williams
Hager	Lincoln	Romanelli	Wilt
Hankins	Lloyd	Ross	Zemprelli
Helfrick	Loeper		

NAYS—4

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

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 988** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

**SB 1130 (Pr. No. 1483)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1983 (No. 27A), entitled "An act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania," providing an appropriation for the Eye Institute and External Clinical Services of the Pennsylvania College of Optometry.

Considered the second time and agreed to,

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

**SB 1131 (Pr. No. 1484)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1983 (No. 27A), entitled "An act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania," increasing the appropriation to the Pennsylvania College of Optometry.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION

**HB 128 (Pr. No. 2005)** — The Senate proceeded to consideration of the bill, entitled:

An Act permitting all State-owned vehicles to be converted to operate on natural gas; and requiring indications of dual systems.

Considered the second time and agreed to,

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

BILL RECOMMITTED

**SB 237 (Pr. No. 255)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the standardization of the unit of measurement, seasoning and species declaration of firewood when sold as domestic fuel to individual buyers in Pennsylvania.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Environmental Resources and Energy.

BILLS OVER IN ORDER

**SB 250** and **582** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL LAID ON THE TABLE

**HB 667 (Pr. No. 2527)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), establishing a private liquor system; and imposing a tax.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator JUBELIRER. Mr. President, I request that House Bill No. 667, Printer's No. 2527, go over in its order.

Senator ZEMPRELLI. Mr. President, there is an objection. I will voice the objection with respect to House Bill No. 667, Printer's No. 2527 going over.

Senator JUBELIRER. Mr. President, if the gentleman wants the bill moved up, we would have no objection to it.

And the question recurring,

Will the Senate agree to the bill on second consideration?

MOTION TO LAY BILL ON THE TABLE

Senator MELLOW. Mr. President, I move that House Bill No. 667 be placed on the table and I ask for a roll call vote.

On the question,

Will the Senate agree to the motion?

MOTION TO SUSPEND RULES

Senator STREET. Mr. President, I move to suspend the Rules.

The PRESIDENT. For what purpose, Senator?

Senator STREET. To debate the bill, Mr. President.

The PRESIDENT. If I understand the gentleman properly, he would like to suspend the Rules to allow debate on the motion to table the bill?

Senator STREET. Mr. President, the motion is not debatable. I move to suspend the Rules in order to debate the bill.

On the question,

Will the Senate agree to the motion?

MOTION WITHDRAWN

Senator STREET. Mr. President, I withdraw the motion.

And the question recurring,

Will the Senate agree to the motion to lay the bill on the table?

MOTION TO SUSPEND RULES

Senator STREET. Mr. President, I move to suspend the Rules so we can defeat the bill permanently.

On the question,

Will the Senate agree to the motion to suspend the rules?

POINT OF ORDER

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

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

Senator ZEMPRELLI. Mr. President, it is my understanding from what I clearly heard that the Chair had called for a roll call. It has also been the ruling of the Chair on many, many occasions in my twenty-one year history here that once the roll call has been called, there is no other business that is in order. I ask the Chair to enforce that Rule and ask the Chair if that is not, in fact, the Rule?

The PRESIDENT. The Rule is that the roll call does not officially start until it has been responded to.

And the question recurring,

Will the Senate agree to the motion to suspend the rules?

MOTION WITHDRAWN

Senator STREET. I withdraw my motion, Mr. President.

And the question recurring,

Will the Senate agree to the motion to lay the bill on the table?

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

YEAS—27

Andrezeski	Lewis	O'Pake	Scanlon
Bodack	Lincoln	Pecora	Singel
Corman	Lloyd	Reibman	Stapleton
Early	Lynch	Rhoades	Stout
Fumo	Mellow	Rocks	Williams
Hankins	Musto	Romanelli	Zemprelli
Hess	O'Connell	Ross	

NAYS—23

Bell	Holl	Kusse	Stauffer
Brightbill	Hopper	Loeper	Street
Fisher	Howard	Moore	Tilghman
Greenleaf	Jubelirer	Shaffer	Wenger
Hager	Kelley	Shumaker	Wilt
Helfrick	Kratzer	Snyder	

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

The PRESIDENT. House Bill No. 667 will be laid on the table.

BILLS OVER IN ORDER

SB 717 and HB 793 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION  
AMENDED AND REREFERRED

SB 814 (Pr. No. 947) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 26, 1961 (P. L. 1661, No. 692), entitled "An act providing for group life insurance for State employees;....," further providing for conformity of the group life insurance plan with Federal laws; and removing certain limitations.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator ROSS, on behalf of Senator ZEMPRELLI, offered the following amendment:

Amend Sec. 3 (Sec. 3), page 3, line 29, by striking out "over" and inserting: less than 20500

Amend Sec. 3 (Sec. 3), page 3, by inserting between lines 29 and 30:

20	20500 and less than 21500	21000
21	21500 and less than 22500	22000
22	22500 and less than 23500	23000
23	23500 and less than 24500	24000
24	24500 and less than 25500	25000
25	25500 and less than 26500	26000
26	26500 and less than 27500	27000
27	27500 and less than 28500	28000
28	28500 and less than 29500	29000
29	29500 and less than 30500	30000
30	30500 and less than 31500	31000
31	31500 and less than 32500	32000
32	32500 and less than 33500	33000
33	33500 and less than 34500	34000
34	34500 and less than 35500	35000
35	35500 and less than 36500	36000
36	36500 and less than 37500	37000
37	37500 and less than 38500	38000
38	38500 and less than 39500	39000
39	39500 and over	40000

Amend Sec. 3 (Sec. 3), page 4, line 1, by inserting brackets before and after "sixty-five" and inserting immediately thereafter: seventy

Amend Sec. 3 (Sec. 3), page 4, line 1, by striking out the bracket before "one-"

Amend Sec. 3 (Sec. 3), page 4, lines 3 through 7, by striking out "reduced in accordance with the Federal Age" in line 3, all of lines 4 through 7 and inserting a period

Amend Sec. 3 (Sec. 3), page 4, line 19, by striking out "wage" and inserting: hourly

Amend Sec. 3 (Sec. 5), page 5, line 14, by inserting a bracket after "months"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

#### BILL OVER IN ORDER

**HB 946** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

#### BILL ON SECOND CONSIDERATION

**SB 952 (Pr. No. 1695)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for an increase in individual ceilings for allowable net operating costs for intermediate care facilities; and making appropriations.

Considered the second time and agreed to,

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

#### BILL ON SECOND CONSIDERATION AMENDED

**SB 1032 (Pr. No. 1700)** — The Senate proceeded to consideration of the bill, entitled:

An Act exempting owners of firing ranges from any civil or criminal actions relating to noise pollution.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?  
Senator HELFRICK offered the following amendment:

Amend Sec. 1, page 1, line 9, by inserting after "the": normal operation of such

Amend Bill, by inserting between lines 10 and 11:

Section 2. Limited to existing ranges.

The provisions of this act shall only apply to rifle, pistol, skeet, trapshooting and black powder ranges operational prior to January 1, 1984, which are situated and continue to be situated in the same location in which they were situated prior to January 1, 1984.

Amend Sec. 2, page 1, line 16, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS ON SECOND CONSIDERATION AMENDED AND REREFERRED

**SB 1175 (Pr. No. 1681)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing a State Honors Program for qualified senior students.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 1614), page 1, line 15, by striking out "In" and inserting: Beginning in

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be printed for third consideration.

Upon motion of Senator JUBELIRER, and agreed to, the bill just considered, as amended, was rereferred to the Committee on Appropriations,

**SB 1176 (Pr. No. 1682)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing a remediation program for certain individuals.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator HESS, on behalf of himself, Senator RHOADES and Senator ROCKS, offered the following amendment:

Amend Sec. 1 (Sec. 1547), page 1, lines 15 through 17, by striking out "A competency (skills) test in at least reading and" in line 15, all of line 16 and "This shall be a" in line 16 and inserting: A

Amend Sec. 1 (Sec. 1547), page 1, line 17, by inserting after "test": in at least reading and math,

Amend Sec. 1 (Sec. 1547), page 1, line 18, by removing the period after "department" and inserting: , shall be given to students in the third, fifth and eighth grades.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator HESS, on behalf of himself, Senator RHOADES and Senator ROCKS, offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 1547), page 1, line 14, by inserting after "mandated": Nonpublic school students may participate in the program.

Amend Sec. 1 (Sec. 1547), page 2, line 5, by striking out "to school districts related to" and inserting: , based on

Amend Sec. 1 (Sec. 1547), page 2, line 6, by inserting after "remediation": , to school districts and, for nonpublic school students, to intermediate units, for use pursuant to section 922.1-A.



Amend Sec. 1 (Sec. 1547), page 2, line 7, by striking out "district" and inserting: school districts and intermediate units

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be printed for third consideration.

Upon motion of Senator JUBELIRER, and agreed to, the bill just considered, as amended, was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1218 (Pr. No. 1655)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional judges in the fifth, ninth, seventeenth, nineteenth, twenty-fourth, forty-sixth and fifty-third judicial districts.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

#### BILLS OVER IN ORDER

**SB 1239, 1245 and HB 1448** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

#### BILLS ON SECOND CONSIDERATION

**HB 1616 (Pr. No. 2021)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "State Public School Building Authority Act," approved July 5, 1947 (P. L. 1217, No. 498), providing for the financing of projects through loans by the Authority and authorizing the use of facsimile signatures.

Considered the second time and agreed to,

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

**HB 1617 (Pr. No. 2022)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Pennsylvania Higher Educational Facilities Authority Act of 1967," approved December 6, 1967 (P. L. 678, No. 318), providing for the financing of projects through loans by the authority.

Considered the second time and agreed to,

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

#### SENATE RESOLUTION NO. 91, CALLED UP

Senator JUBELIRER, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 91**, entitled:

Memorializing the President and Congress to act on the establishing of import quotas on steel mill products.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 91, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution No. 91.

The motion was agreed to and the resolution was adopted.

#### SENATE RESOLUTION NO. 95, CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 95**, entitled:

Condemning Soviet acts of officially sanctioned anti-Semitism.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 95, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution No. 95.

The motion was agreed to and the resolution was adopted.

#### UNFINISHED BUSINESS

#### COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator LOEPER called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### MEMBER OF STATE ART COMMISSION

February 13, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 13, 1983 for the reappointment of Richard Rittelmann, 127 Highland Road, Butler 16001, Butler County, Twenty-first Senatorial District, as a member of the State Art Commission, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

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

DICK THORNBURGH.

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CHEYNEY UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

February 13, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 27, 1983 for the appointment of Constance E. Clayton, 430 East Sedgwick Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of

the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989 and until her successor is appointed and qualified, vice Audrey S. Pittman, Philadelphia, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE HEALTH CARE  
POLICY BOARD

February 13, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 31, 1983 for the reappointment of William G. Williams, 714 Moredon Road, Meadowbrook 19046, Montgomery County, Twelfth Senatorial District, as a member of the Health Care Policy Board, to serve until March 11, 1987, and until his successor is appointed and qualified.

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

DICK THORNBURGH.

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

February 13, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 14, 1983 for the appointment of Alice M. Davenport (Republican), Box 205, Main Street, Benton 17814, Columbia County, Twenty-seventh Senatorial District, as a member of the Columbia County Board of Assistance, to serve until December 31, 1985, and until her successor is duly appointed and qualified, vice Dean Salsgiver, Bloomsburg, resigned.

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

DICK THORNBURGH.

MEMBER OF THE LEBANON COUNTY  
BOARD OF ASSISTANCE

February 13, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 14, 1983 for the appointment of Mrs. Jonnie Lee Rowe (Republican), R. D. 3, Box 8065, Jonestown 17083, Lebanon County, Forty-eighth Senatorial District, as a member of the Lebanon County Board of Assistance, to serve until December 31, 1984, and until her successor is duly appointed and qualified, vice Jane K. Williams, Lebanon, resigned.

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

DICK THORNBURGH.

MEMBER OF THE MIFFLIN COUNTY  
BOARD OF ASSISTANCE

February 13, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 14, 1983 for the appointment of Robert D. Bowersox (Republican), 1154 West Fifth Street, Lewistown 17044, Mifflin County, Thirty-fourth Senatorial District, as a member of the Mifflin County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Paul E. Bolger, Lewistown, deceased.

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

DICK THORNBURGH.

MEMBER OF THE NORTHAMPTON COUNTY  
BOARD OF ASSISTANCE

February 13, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 31, 1983 for the reappointment of William P. Dwyer, Jr. (Independent), 1420 Winston Circle, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, as a member of the Northampton County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

MEMBER OF THE NORTHAMPTON COUNTY  
BOARD OF ASSISTANCE

February 13, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 31, 1983 for the reappointment of Dennis G. Gambler (Republican), 239 Vista Drive, Nazareth 18064, Northampton County, Eighteenth Senatorial District, as a member of the Northampton County Board of Assistance, to serve until December 31, 1985, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator LOEPER. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

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



**SENATE RESOLUTION****URGING THE SOVIET UNION TO PERMIT  
FREE AND UNRESTRICTED IMMIGRATION OF  
RUSSIAN JEWS FROM RUSSIA TO ISRAEL**

Senators GREENLEAF, JUBELIRER, LLOYD, BRIGHTBILL, REIBMAN, HELFRICK, ANDREZESKI, O'PAKE, BODACK, WENGER, O'CONNELL, SHUMAKER and MOORE offered the following resolution (**Senate Resolution No. 105**), which was read, considered and adopted:

In the Senate, February 14, 1984.

**A RESOLUTION**

Urging the Soviet Union to permit free and unrestricted immigration of Russian Jews from Russia to Israel.

WHEREAS, The Soviet Union has developed an immigration policy which restricts the immigration of Russian Jews from Russia to Israel; and

WHEREAS, The restrictions are so severe as to almost completely deny this immigration; and

WHEREAS, A request to immigrate from Russia which is denied usually results in the incarceration of the requester; and

WHEREAS, These practices are impractical for world politics, ignoble to the human spirit and intolerable to persons who believe in and seek to preserve the inherent free will of man; therefore be it

RESOLVED, That the Senate urge the Soviet Union to permit free and unrestricted immigration of Russian Jews from Russia to Israel; and be it further

RESOLVED, That a copy of this resolution be sent to the Department of State of the United States for transmittal to the Soviet Ambassador to the United States.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Daniel A. Cramer and to Timothy Paul Naski by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Charles L. Eby and to Mr. and Mrs. LeeRoy Fogleman by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. George Richard by Senator Early.

Congratulations of the Senate were extended to Vernon Lang Bolton by Senator Hankins.

Congratulations of the Senate were extended to Mr. and Mrs. Janvier Brown, Reverend and Mrs. Charles Rummel, Mr. and Mrs. James Wolf and to William G. Corbay by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Matthew L. Dorcon by Senator Lincoln.

Congratulations of the Senate were extended to Anthony C. Nespoli by Senator Loeper.

Congratulations of the Senate were extended to Kenneth J. Bohn, Michael Dolan, Tom Kasuba, William Mumaw and to Michael W. Samsell by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Geiger, Mr. and Mrs. Joseph Watto and to Anthony J. Wysoski, Jr. by Senator Rhoades.

Congratulations of the Senate were extended to the White Township Volunteer Fire Department by Senator Ross.

Congratulations of the Senate were extended to Mr. and Mrs. John Putt by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Everett D. Vester by Senator Stout.

**BILLS ON FIRST CONSIDERATION**

Senator JUBELIRER. 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 910, 1168, 1231, HB 712, 713 and 714.**

And said bills having been considered for the first time,

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

**PETITIONS AND REMONSTRANCES**

Senator ZEMPRELLI. Mr. President, earlier today the so-called liquor divestment bill was tabled by action of the Senate. That action was predictable. The message I would like to give at this time, and I assure the Members it will be brief, is that the motion to table is in many instances a move to kill a particular piece of legislation. I wish to assure the Members of the Senate that the Democratic caucus did not take that position. It is not the intent to kill the liquor control bill that is before us in the form of House Bill No. 667. From the expressions that have been made to me by Members of my caucus, there is a recognition that there is a need for reform in the system. However, the reform that is necessary does not take on that which was contained in House Bill No. 667. To the contrary, it is a recognition of the need to modernize the system, to adopt business practices, to make the products more available and more convenient to an adult market and, also, to understand the need to expand the service to each and every member of the State of Pennsylvania who has the right to purchase liquor and, at the same time, to regulate it in such a fashion that it addresses itself to the number one social problem of this date. There is much ado about this legislation and the mail is hot and heavy. The special interests have become involved and coalitions representing Chambers of Commerce and 7-Eleven stores are paying for and sponsoring ads on behalf of the Governor of this Commonwealth and others. I hope that within the next few weeks, through the combined efforts of the Members of this Senate and on a bipartisan basis, with the procedures that are available for the handling of legislation, there will be a bill, an amendment or some legislation before us that addresses these problems. It is not the intent of the Democratic caucus to put the issue to bed by this motion to table the bill. It is, rather, to be conceived as

a clearing of the way to allow for progressive legislation that would address itself to the problems of the day.

Mr. President, I make a promise to the people of the Commonwealth of Pennsylvania that we will address the problems of the Liquor Control Board and we will offer positive solutions to those problems; that we are not prepared to throw the bath water out with the baby or, rather, the baby out with the bath water. That was said so I might know all of the Members who are listening to my remarks at this time.

I assure the Members that those forms of reform which will be offered, and they are being studied and there is a substantial amount of input into those revisions, will be well thought out and they will address themselves to the problems we are confronted with, which we know, and will allow for some revision in enforcement and regulation. Simply stated, Mr. President, we see the issue differently than a divestiture. We see it as a need for significant reform. That is a promise, a commitment. It was not a death that we saw today with House Bill No. 667, it was a beginning for a better system.

**The PRESIDENT pro tempore (Henry G. Hager) in the Chair.**

Senator GREENLEAF. Mr. President, I rise to say this is a truly sad day for the Commonwealth of Pennsylvania when those who are the opponents of this legislation would use a procedural motion to table this legislation, legislation that has admittedly received much debate and much discussion and an issue that should have been brought before the full Senate. This bill should have been allowed to remain on the Calendar for the full period of legislative days so it could have been amended for example. I know there are a number of Legislators who had amendments to this bill that could have added to the worth and the merit of this legislation. Those amendments could have been openly and honestly discussed, and the merits of those amendments could have either been approved or disapproved based on their support or nonsupport by this Body and by the general public. We could have had a full and final debate on the bill as amended had each Member had an opportunity to discuss the bill, to discuss the merits of it and express their feelings. I know from the motion that had been made by the gentleman from Philadelphia, Senator Street, and as other Members expressed to me, they wanted the opportunity to express their feelings on this legislation and then, of course, to have a discussion on the merits of the bill, all of which we have been prevented from having. Instead, we have had a motion in which Members can hide behind a procedural movement and not express or state their feelings about their legislation by having an actual motion or any vote on the merits of this legislation. I am pleased to hear the gentleman does not feel this is the death of the bill, because I can guarantee him that it will not be the death of this bill and there are amendments that are already prepared in my office that will be offered to other bills, and we will sooner or later have a motion and a vote on the merits of this legislation and a vote on the final consideration of this legislation so the public can know how individual Members of this Legislature feel about it, rather than hiding behind a tabling motion. If the gentle-

man is sincere, and I assume he is, that, unfortunately, was not the case two years ago when a similar motion to table was made and there were no reform efforts to resolve this issue subsequent to that tabling motion until today when another bill and another proposal was brought before this Body and again a motion was made to table. I hope for and would welcome the suggestions of the gentleman if he has proposals that would resolve the difficulties that this system has imposed upon and yoked itself upon the people of this Commonwealth for over fifty years as an alternative prohibition. This state, unfortunately, has not taken a step into the twentieth century and treated adults as adults and allowed them to enter a private store and make their liquor purchases.

We are really kidding ourselves and kidding the public if we believe this system controls anything and that it reduces alcoholism, drunk driving or fatalities as a result of drunk driving. In fact, it does not, and the statistics prove that. What it does is serve certain special interest groups. As chairman of this committee for now and for quite a number of years who, quite frankly, had very little experience in this area, I have seen that bill after bill we deal with in the Senate Committee on Law and Justice generates special interests and that is it. Whenever a bill affects a particular industry, whenever we change the Liquor Code, out come the people who are affected, not in the interest of controlling alcoholism, not in an interest in controlling alcohol abuse, but the economic and special interests that come out and present their opposition to legislation that would change any portion of the Liquor Code. Obviously, this is a bill that would change major portions of the Liquor Code and the special interest groups have come out significantly. Yes, there have been special interest groups in support of this legislation, but they were the result of the legislation, not the cause of the legislation, which I think is a significant distinguishing point on that matter. I hope that someday we can consider the consumer in Pennsylvania more so than the special interest groups. I have debated this issue for a number of years and the opponents of this measure do not dispute the fact that the vast majority of the people in Pennsylvania support the divestiture of the State Stores. The most recent polls I have seen raises the issue up to 85 percent. The most recent polls I have seen are in Pittsburgh and Philadelphia and they have been 85 percent in favor of doing away with the stores. I am sure other polls are lower than that but I have not seen a poll yet which indicates it is less than 50 percent. I think the opponents of this legislation have agreed to that. Unfortunately, though, what we have is a thwarting of public opinion and public effort. I think in the long run that public opinion will win out.

One of the other things our committee has developed is the control aspects of the Liquor Control Board and its really absolute failure to effectively enforce the Liquor Code. The main reason for that is we have given them conflicting goals. We have told them to go out and sell liquor, promote revenues and generate an interest in this industry and in this product and then, on the other hand, we tell them to go out and arrest people and close them down, that is their customers, when

they violate the Liquor Code. They cannot continue in that same direction. They cannot serve those two goals. Unfortunately, what happens is they have to choose one or the other and it does not matter who is in that agency or who the personnel are, it is the system itself that is the problem which must be reformed. Unfortunately, tonight that effort has been thwarted. I can assure this Body that I will continue in my efforts to try to reform this agency and take it into the twentieth century with the Pennsylvania consumer who wants it there.

**The PRESIDING OFFICER (James R. Kelley) in the Chair.**

Senator STREET. Mr. President, I do not normally stay around and say anything, but I believe there has been a lot of activity around the Capitol in the last couple of weeks concerning this bill. I received more mail, more telephone calls and more inquiries from people about this piece of legislation than any legislation that I have been approached about in my years here. I believe the people of the State of Pennsylvania expect this Chamber to deal with legislation they are interested in. I believe we have a responsibility to debate legislation, put the facts out, offer our amendments, call for the roll call and let the chips fall where they may. I am personally against this piece of legislation. If we had called for a vote tonight on this legislation, I would have voted against it. I would have argued vigorously against it, because I do not believe it is in the interest of everybody I represent. I do not believe the people of the State of Pennsylvania—when there has been so much interest generated in a piece of legislation—should have to be in a state of uncertainty as to whether the Senate is ever going to deal with a piece of legislation or not. I think it needs to be called off the table immediately. We need to get our amendments and discuss the pros and the cons. We have a responsibility to the general public as elected officials to deal with this piece of legislation and vote on it as soon as possible.

Senator FISHER. Mr. President, I just want to add a couple of comments to the words stated by the gentleman from Montgomery, Senator Greenleaf. I do not think the record should appear that this legislation which was, unfortunately, tabled tonight is in any way a two-man crusade of the Governor and the gentleman from Montgomery, Senator Greenleaf. There are many of us on the floor of the Senate who for years have hoped to have the opportunity to vote on legislation to change the system to private enterprise, myself being one of them. I think it is unfortunate that, once again, we were denied the opportunity to consider the substance of this legislation. Even more importantly, I am concerned when polls that I have taken in my district show an overwhelming support for a change. I think polls that were taken in a fair sense show that in excess of 80 percent of the people in my district in western Pennsylvania support a change to a private system and we have not had more support out of western Pennsylvania for such a change. I only hope that, perhaps, we will have another chance to vote on this legislation, to vote substantively, either on this proposal or proposals to be

offered by someone else, to change a system which I think is long overdue for change.

(The following prepared statement was made a part of the record at the request of the gentleman from Schuylkill, Senator RHOADES:)

In commemoration of the 66th Anniversary of the Lithuanian Declaration of Independence, I would like to present the following information for the record which I received from Joseph Yezulinas, Jr., Knights of Lithuania.

February 16, 1984 marks the 66th anniversary of the Lithuanian Declaration of Independence.

In those heady, delirious days of freedom that followed the "war to end all wars," the tiny Baltic nation of Lithuania declared its freedom, after nearly half a millenium of foreign occupation and oppression.

Lithuania, unlike many of the newly created countries, was not a "new" nation. Its traditions of national identity and ethnic solidarity dated back to the late middle ages when it was the largest single nation in Europe, stretching from the Baltic in the north to the Black Sea in the south. Twice the Lithuanian confederation turned back the marauding Mongol hordes, saving Western Europe from destruction.

Lithuanian independence in 1918 was achieved against staggering odds. None of the major nations were actually in favor of it. The solution to peace in Eastern Europe had been conveniently packaged at the Paris Peace Conference with the creation of Poland. Lithuania presented a new wrinkle: a tiny nation determined to be the master of its own destinies. Independence was won despite the hostility of the Russian occupiers, and the territorial ambitions of Poland.

In the halcyon years between the two world wars, Lithuanian democracy served as a beacon in Eastern Europe. Most of the other European nations had slipped into chaos and dictatorship. The Lithuanian example of free elections, religious freedom and constitutionally ensured human rights was without parallel in Eastern Europe.

With the signing of the Russo-German Non-Aggression Pact of August 1939, the world slid inexorably into the horror of the Second World War. Hitler and Stalin, the most bloodthirsty and evil tyrants our race has ever produced, carved Eastern Europe between them.

In return for a free hand in attacking Poland and beginning World War II, Hitler gave Stalin full sway to wreak his own horror in the Baltic areas. In June of 1940, the Red Army occupied the three Baltic nations of Lithuania, Latvia and Estonia. Tens of thousands of native political, cultural and religious leaders were murdered outright, while entire provinces were shipped into exile in the frozen gulag labor camps in Siberia. The world watched silently, and then occupied itself with other things.

With the coming of peace in 1945, the victorious Western democracies had conveniently forgotten the three Baltic nations that had been so brutally snuffed out five years before. It was almost as if they had never existed. Indeed, Stalin had gone so far as to throw a cloak of legitimacy over his massacres by the neat trick of declaring them "republics"

of the USSR. Tens of thousands of Russian colonists were imported into them to replace the estimated one-third of the population that had "disappeared" since the Russian occupation. Russian became the national language of all three countries. Cultural genocide had reached dimensions undreamt of by Hitler.

Still, the Lithuanian dream of freedom would not die. Thousands of young Lithuanians took to the forests and fought the Soviet occupiers for another bloody decade, preferring to die on their feet than to live on their knees.

The West, meanwhile, preferred to look the other way, preferring to accentuate the "positive" and seek "peaceful coexistence" with the Russians. Indeed, the U.S. had compounded the infamy of 1939 by recognizing and acquiescing to it in the Yalta Pact of 1945. The Russian bear had outwitted the naive Western democracies. In return for a phony peace, Stalin extracted the same price from the West that Hitler had so eagerly given.

Today, nearly a half century later, Lithuania is still in chains, still suffering the unspeakable brutalities that enlightened Western politicians would like to forget. That the spirit of freedom and the dream of nationhood still burns strong is testified to by the continued presence of a Red Army of occupation on Lithuanian soil. Each year, thousands of young Lithuanians are arrested and deported just as their fathers and uncles had been. The world takes little notice, and would prefer to forget, but the Lithuanian nation is still alive.

For this reason, Lithuanians all over the free world regard Lithuanian Independence Day as an almost holy day. It is not a memorial day, it is a celebration of freedom and continued defiance in the face of oppression. Freedom has been silenced, but not stilled. Lithuania lives.

Countians of Lithuanian descent gathered on Sunday, February 12, in St. George's Church Hall in Shenandoah to celebrate the anniversary. A full program of Lithuanian songs, dances and entertainment was held. We urge all Americans who care about freedom to join with us in once again honoring those who are not free to celebrate.

## HOUSE MESSAGE

### HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

February 14, 1984

**HB 1520** — Committee on Military and Veterans Affairs.

## GENERAL COMMUNICATIONS

### BILLS INTRODUCED AND REFERRED

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

February 14, 1984

Senators TILGHMAN, STAUFFER, MOORE, BELL, LOEPER, HELFRICK, SHUMAKER, FISHER, RHOADES, HOPPER, O'CONNELL, WENGER, SHAFFER, KUSSE, WILT, KRATZER, HOLL, CORMAN, GREENLEAF, SNYDER, PECORA, BRIGHTBILL and STREET presented to the Chair **SB 1252**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," reducing the rate of taxation imposed on personal income and on corporate net income.

Which was committed to the Committee on FINANCE, February 14, 1984.

Senators BRIGHTBILL, REIBMAN, HOWARD, ROSS, LINCOLN, MELLOW, RHOADES, MOORE, SINGEL, HELFRICK, ROCKS, JUBELIRER, FISHER, CORMAN, ANDREZESKI, LLOYD, HESS, SHUMAKER, FUMO and LEWIS presented to the Chair **SB 1253**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for a tax credit for contributions of equipment to educational institutions which are members of a consortium which has established an advanced technology center funded in part by the Board of the Ben Franklin Partnership Fund.

Which was committed to the Committee on FINANCE, February 14, 1984.

Senator GREENLEAF presented to the Chair **SB 1254**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the trial of certain misdemeanor charges by district justices or special boards established by the court.

Which was committed to the Committee on JUDICIARY, February 14, 1984.

Senators WILT, EARLY, HANKINS and SNYDER presented to the Chair **SB 1255**, entitled:

An Act amending the act of December 18, 1980 (P. L. 1241, No. 224), entitled "Pennsylvania Cancer Control, Prevention and Research Act," extending the expiration date of the act.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 14, 1984.

Senator KRATZER presented to the Chair **SB 1256**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for execution of wages for nonpayment of rent.

Which was committed to the Committee on JUDICIARY, February 14, 1984.

## RESOLUTION INTRODUCED AND REFERRED

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

February 14, 1984

**MEMORIALIZING THE GOVERNOR TO  
PROCLAIM MARCH 20, 1984 AS  
PENNSYLVANIA AGRICULTURE DAY**

Senators HELFRICK, WENGER, STAPLETON, ROSS, SHAFFER, BRIGHTBILL, O'PAKE and RHOADES offered the following resolution (**Senate Concurrent Resolution No. 104**), which was read and referred to the Committee on Agriculture and Rural Affairs:

In the Senate, February 14, 1984.

**A CONCURRENT RESOLUTION**

Memorializing the Governor to proclaim March 20, 1984 as Pennsylvania Agriculture Day.

WHEREAS, Agriculture is Pennsylvania's number one industry and its associated production, processing and marketing segments combined provide jobs for one-fifth of the work force in the Commonwealth; and

WHEREAS, The productivity of Pennsylvania agriculture is a vital ingredient in our strength as a Commonwealth and in the strength of the Nation and the World; and

WHEREAS, To maintain a healthy agriculture, it is necessary that all Pennsylvanians understand how agriculture affects their lives and well-being and be aware of their personal reliance on an abundant food and fiber supply; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Governor to proclaim March 20, 1984 as Pennsylvania Agriculture Day and to call upon the people of this Commonwealth to observe that day with appropriate ceremonies and activities.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, FEBRUARY 15, 1984

10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1172, House Bill No. 539 and the Department of Public Welfare proposed regulations regarding inpatient hospital services. These regulations will implement a prospective payment system for Medicaid in inpatient hospital services.)	Room 461, 4th Floor Conference Rm., North Wing
1:00 P.M.	APPROPRIATIONS (Budget Hearing with the Department of Transportation)	Senate Majority Caucus Room

THURSDAY, FEBRUARY 16, 1984

2:30 P.M.	Independent Regulatory Review Commission (Regulations to be considered:	Heritage Rm. A, 333 Market St.
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138 - Dept. of Education

6-71 - District Library Center  
Standards (Commissioner Harbison)

139 - Public Utility Commission

57-29 - (L-830083) - Gas Safety  
Regulations (Commissioner Stafford)

140 - Medical Professional Liability

Catastrophe Loss Fund 20-7 -  
Reporting of increased limits  
and emergency surcharge;  
sanctions for noncompliance

(Commissioner Harris)

Dept. of Health 10-55

Dept. of Health 10-58)

7:30 P.M.	LAW AND JUSTICE (to hear testimony from concerned citizens and other interested persons on the proposed transfer of a restaurant liquor license to premises located at 2014 Old Arch Road, East Norriton Township)	Norriton Fire Co. 2830 Swede Rd., E. Norriton Twp. Norristown
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FRIDAY, FEBRUARY 17, 1984

9:00 A.M. to 5:00 P.M.	PUBLIC HEALTH AND WELFARE (Public Hearing regarding Senate Bill 1177)	Henderson Room Thiel College Greenville, PA
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TUESDAY, FEBRUARY 21, 1984

11:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing on House Bill No. 132)	Delaware County Court House, Media
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MONDAY, FEBRUARY 27, 1984

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 743, 1112; the nomination of Frank Fischl and William R. Shane to the Public Utility Commission; also PUC Regulation L-830090 and PUC Regulation L-830094)	Room 461, 4th Floor Conference Rm., North Wing
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WEDNESDAY, FEBRUARY 29, 1984

1:30 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to consider recommendations as to the confirmation of David M. Barasch as the Consumer Advocate)	Senate Majority Caucus Room
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## THURSDAY, MARCH 1, 1984

2:30 P.M.	Independent Regulatory Review Commission (Regulations to be considered: 141 - Dept. of Banking 3-18 - Savings Deposit Accounts (Stafford/Braswell) 142 - Dept. of Public Welfare 14-228 - Inpatient Hospital Services (McGinley/Kent) 143 - Dept. of Health 10-60 - Clarification of Definition of Certain Retailers of Drugs and Devices (Zimmerman/Stevenson) 144 - Dept. of Public Welfare 14-214 - Computation of Claims (Harbison/Braswell) 145 - Dept. of Public Welfare 14-226 - Dentists' Services (Harris/Stevenson) 146 - Dept. of Public Welfare 14-234 - Client Liability - Community Services (Harbison/Stevenson))	Heritage Rm. A, 333 Market St.
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## MONDAY, MARCH 5, 1984

9:30 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Education)	Senate Majority Caucus Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing with the State System of Higher Education)	Senate Majority Caucus Room

## TUESDAY, MARCH 6, 1984

9:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Public Welfare)	Senate Majority Caucus Room
10:00 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider Senate Bills No. 664, 1056, 1151, 1170 and any other business that may come before the committee)	Room 461, 4th Floor Conference Rm., North Wing
3:00 P.M.	APPROPRIATIONS (Budget Hearing with Pennsylvania State University)	Senate Majority Caucus Room

## WEDNESDAY, MARCH 7, 1984

9:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Labor and Industry)	Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Insurance)	Senate Majority Caucus Room

1:00 P.M.	APPROPRIATIONS (Budget Hearing with the Governor's Office)	Senate Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing with the Bureau of Correction)	Senate Majority Caucus Room

## THURSDAY, MARCH 8, 1984

9:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Health)	Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of State)	Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing with the Department of General Services)	Senate Majority Caucus Room

## MONDAY, MARCH 12, 1984

9:30 A.M.	APPROPRIATIONS (Budget Hearing with the State Employees Retirement Board)	Senate Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing with the School Employees Retirement Board)	Senate Majority Caucus Room
11:30 A.M.	APPROPRIATIONS (Budget Hearing with Lincoln University)	Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing with the University of Pittsburgh)	Senate Majority Caucus Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing with Temple University)	Senate Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing with the Department of Military Affairs)	Senate Majority Caucus Room

## TUESDAY, MARCH 13, 1984

9:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Revenue)	Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing with the Department of Agriculture)	Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing with the Attorney General)	Senate Majority Caucus Room

3:30 P.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Department of Aging)

WEDNESDAY, MARCH 14, 1984

9:00 A.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Department of Environmental  
Resources)

1:00 P.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Pa. Historical and Museum  
Commission)

2:00 P.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Pennsylvania State Police)

3:00 P.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Department of Commerce)

THURSDAY, MARCH 15, 1984

9:00 A.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Public Utility Commission)

11:00 A.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Auditor General)

1:00 P.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Treasury)

2:00 P.M. APPROPRIATIONS Senate Majority  
(Budget Hearing with the Caucus Room  
Department of Community  
Affairs)

2:30 P.M. Independent Regulatory Heritage Rm. A,  
Review Commission 333 Market St.

### ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Wednesday, February 15, 1984, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 8:30 p.m., Eastern Standard Time.