

Legislative Journal

MONDAY, FEBRUARY 27, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 14

SENATE

MONDAY, February 27, 1984.

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

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

PRAYER

The Chaplain, the Reverend Mr. MARK A. SANTUCCI, Pastor of Saint Andrew's Episcopal Church, Harrisburg, offered the following prayer:

Almighty God, who hast given us this good land for our heritage: We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless this land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Fill with the spirit of wisdom those to whom we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy laws, may show forth Thy praise among all people. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail.

O God, the fountain of wisdom, whose statutes are good and gracious, and whose law is truth: We beseech Thee so to guide and bless our Senators assembled in the Legislature of this Commonwealth, that they may enact such laws as shall please Thee, to Your glory and to the welfare of Your people. Amen.

The PRESIDENT. The Chair thanks the Reverend Santucci who is the guest this week of Senator Shumaker.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 15, 1984.

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

LEGISLATIVE LEAVE

Senator SCANLON. Mr. President, I request a temporary legislative leave of absence for Senator Stout who will be here later this afternoon.

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

LEAVE OF ABSENCE

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

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 152, 288, 506, 547 and 780.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE SENATE  
TO SB 503, 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 503, and has appointed Messrs. FRYER, WAMBACH and A. C. FOSTER as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 1134, with the information that the House has passed the same without amendments.

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 629, 1241, 1445 and 1565.**

### 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 21, 1984

**HB 1723** — Committee on Public Health and Welfare

**HB 1726 and 1727** — Committee on Local Government.

February 23, 1984

**HB 58** — Committee on Public Health and Welfare.

**HB 1181** — Committee on Education.

**HB 1569** — Committee on Military and Veterans Affairs.

**HB 1751** — Committee on Community and Economic Development.

**HB 1752** — Committee on Agriculture and Rural Affairs.

**HB 1837** — Committee on Consumer Protection and Professional Licensure.

**HB 1858 and 1863** — Committee on Environmental Resources and Energy.

### HOUSE RESOLUTION FOR CONCURRENCE

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

February 23, 1984

**House Concurrent Resolution No. 174** — Committee on Rules and Executive Nominations.

### GENERAL COMMUNICATIONS

#### BILLS INTRODUCED AND REFERRED

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

February 21, 1984

Senators LOEPER, FISHER, REIBMAN, ROMANELLI, PECORA, ROCKS and KELLEY presented to the Chair **SB 1257**, entitled:

An Act licensing and regulating the practice of social work; providing penalties; and making an appropriation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 21, 1984.

Senators KUSSE, ANDREZESKI and CORMAN presented to the Chair **SB 1258**, entitled:

A Supplement to the act of December 20, 1983 (P. L. 288, No. 76), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing transportation assistance pro-

jects to be constructed or acquired by the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of Transportation; stating the estimated useful life of the projects; and making an appropriation.

Which was committed to the Committee on TRANSPORTATION, February 21, 1984.

Senators SNYDER, HANKINS, FISHER, ROSS, EARLY, WILT and ROMANELLI presented to the Chair **SB 1259**, entitled:

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), entitled "Health Care Services Malpractice Act," amending and adding certain definitions; further providing for fees; providing for transfers to courts of common pleas; further providing for jurisdiction and procedure in arbitration, including limitation of discovery; providing for conciliation; permitting voluntary binding arbitration; further providing for mandatory reporting of disciplinary action; limiting awards and providing for reduction of awards for compensation received from collateral sources; limiting attorneys' fees; further providing for limitation of actions; providing for advance payments; establishing the Joint Committee on Medical Malpractice; and providing for powers and duties of the committee.

Which was committed to the Committee on JUDICIARY, February 21, 1984.

Senators SNYDER, HANKINS, FISHER, ROSS, EARLY, WILT and ROMANELLI presented to the Chair **SB 1260**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the periodic payment of judgments for future losses; further establishing a procedure under which those losses can be calculated by the jury and the courts; providing for election by the parties to invoke the procedures; providing for special findings by the jury; and establishing the basis for determining whether judgments should be paid periodically or in lump sum.

Which was committed to the Committee on JUDICIARY, February 21, 1984.

Senators BELL, SHUMAKER and BODACK presented to the Chair **SB 1261**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," increasing the amount of annual income allowable.

Which was committed to the Committee on AGING AND YOUTH, February 21, 1984.

Senators BELL, STAUFFER, MOORE, SHUMAKER and BODACK presented to the Chair **SB 1262**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as reenacted and amended, "Senior Citizens Rebate and Assistance Act," increasing the amount of household income allowable.

Which was committed to the Committee on AGING AND YOUTH, February 21, 1984.

Senators BELL and BODACK presented to the Chair **SB 1263**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, establishing a maximum fee for the furnishing of copies of reports.

Which was committed to the Committee on TRANSPORTATION, February 21, 1984.

**APPOINTMENTS BY THE PRESIDENT PRO TEMPORE**

The PRESIDENT. The President pro tempore has resigned as a member of the Joint Committee created pursuant to Section 1006 of the Health Care Services Malpractice Act, and has appointed Senator Edwin G. Holl in his stead.

The President pro tempore has appointed Senator D. Michael Fisher as a member of the Board of Trustees of the University of Pittsburgh.

**BILLS SIGNED**

The PRESIDENT (Lieutenant Governor William W. Scranton III) in the presence of the Senate signed the following bills:

**SB 1134, HB 629, 1241, 1445 and 1565.**

**APPROVAL OF PUC REGULATIONS**

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following PUC regulations have been approved for submission to the Independent Regulatory Review Commission: #L-830090 and #L-830094.

**REPORTS FROM COMMITTEES**

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

**SB 1112 (Pr. No. 1443)**

An Act regulating the practice of speech-language pathologists, audiologists and teachers of the hearing impaired; creating the State Board of Examiners in Speech-Language and Hearing with certain powers and duties; and prescribing penalties.

Senator O'CONNELL, from the Committee on State Government, reported the following bills:

**SB 934 (Pr. No. 1136)**

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), entitled "Sunset Act," further providing for the evaluation and review of agencies.

**SB 948 (Pr. No. 1749) (Amended)**

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), entitled "Pharmacy Act," changing and adding definitions; providing for the licensing and permit requirements to practice pharmacy or conduct a pharmacy, for continuing education of pharmacists; and for revocation and suspension of licenses and permits; changing the composition and powers and duties of the Pennsylvania State Board of Pharmacy; further providing for unlawful acts; and making editorial changes.

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 89 (Pr. No. 1748) (Amended)**

Directing the President pro tempore of the Senate to appoint a select committee to study the feasibility of using certain existing military installations and other Federal and Commonwealth installations as facilities to house prisoners who may be released because of overcrowded conditions in our existing prisons.

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

**CALENDAR**

**SPECIAL ORDER OF BUSINESS**

**SB 1130 CALLED UP OUT OF ORDER**

**SB 1130 (Pr. No. 1483)** — 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.

**NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**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 third time and agreed to,

On the question,

Shall the bill pass finally?

**LEGISLATIVE LEAVE**

Senator ZEMPRELLI. Mr. President, I request a temporary legislative leave of absence on behalf of Senator Williams who expects to join us on the floor very shortly.

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

And the question recurring,

Shall the bill pass finally?

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

**YEAS—49**

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	Mellow	Shaffer	Zemprelli
Hess			

NAYS—0

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

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair notes the presence on the floor of Senator Williams whose temporary legislative leave of absence will be cancelled.

**RECESS**

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 3:45 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 3:45 p.m., Eastern Standard Time.

**AFTER RECESS**

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

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

**HB 1405 TAKEN FROM THE TABLE**

Senator JUBELIRER. Mr. President, I move that House Bill No. 1405, Printer's No. 2394, be taken from the table and placed on the Calendar.

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

**POINT OF INFORMATION**

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

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

Senator ZEMPRELLI. My point of inquiry, Mr. President, as a quick reference, is House Bill No. 1405 the so-called "lemon bill?"

The PRESIDENT pro tempore. The Chair is informed that it has been referred to as such.

**LEGISLATIVE LEAVE**

Senator ZEMPRELLI. Mr. President, at this time I request a legislative leave of absence on behalf of Senator Hankins who was here but had to leave to attend a legislative function.

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

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

The motion was agreed to.

The PRESIDENT pro tempore. House Bill No. 1405 will be placed on the Calendar.

**CONSIDERATION OF CALENDAR RESUMED**

**FINAL PASSAGE CALENDAR**

**BILL OVER IN ORDER**

**HB 1209** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**THIRD CONSIDERATION CALENDAR**

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

**SB 897** and **898** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

**NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**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 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	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Mellow	Shaffer	Zemprelli
Hess			

**NAYS—0**

A constitutional two-thirds 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 LAID ON THE TABLE

**HB 8 (Pr. No. 1162)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), entitled "An act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repeals," further providing for grounds for annulment of voidable marriages.

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

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 6, by inserting after "gas": or propane

Amend Sec. 1, page 1, line 9, by inserting after "gas": or propane

amend Sec. 1, page 1, line 13, by inserting after "gas": , propane

On the question,

Will the Senate agree to the amendment?

Senator KUSSE. Mr. President, I move the adoption of the amendment.

Senator SCANLON. Mr. President, I move the defeat of the amendment.

Senator SINGEL. Mr. President, I desire to interrogate the gentleman from Warren, Senator Kusse.

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

Senator KUSSE. I will, Mr. President.

Senator SINGEL. Mr. President, my understanding is the gentleman's amendment would extend this to allow for the use of propane as well as natural gas, is that correct?

Senator KUSSE. Mr. President, we are talking about the fact that the state may convert some vehicles and in this amendment I am saying they may convert it to propane.

Senator SINGEL. Mr. President, I ask for a negative vote on this amendment.

Recently, I had the very interesting experience of seeing firsthand some conversions that were done to a fleet of vehicles using natural gas. The technology has advanced to the point where actual vans have been put into service that use a dual system of natural gas and gasoline. The research has been completed and we are now at a stage where we can move to commercial use of natural gas in these vehicles. My information is that this is not the case with propane. I think the

adoption of this amendment would be viewed as a setback to those who feel we can proceed with this kind of natural gas conversion only in the sense that it dilutes the attention we are trying to place on the imminence of using natural gas. I have no problem with the gentleman's advocacy of propane and alternative fuels, but let us not lose this opportunity to capitalize on the momentum to convert to natural gas. I ask for a negative vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

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

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

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

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

LEGISLATIVE LEAVE CANCELLED

Senator STOUT. Mr. President, earlier in today's Session I received a temporary legislative leave of absence. I am now present and voting.

The PRESIDENT pro tempore. Would the gentleman like to be recorded on this issue?

Senator STOUT. Yes, Mr. President. I have already voted.

The PRESIDENT pro tempore. The record will so indicate.

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

YEAS—20

Brightbill	Hess	Loeper	Snyder
Corman	Holl	Moore	Stauffer
Fisher	Hopper	O'Connell	Street
Greenleaf	Kratzer	Pecora	Tilghman
Helfrick	Kusse	Rhoades	Wenger

NAYS—28

Andrezeski	Jubelirer	O'Pake	Shumaker
Bell	Kelley	Reibman	Singel
Bodack	Lewis	Rocks	Stapleton
Early	Lincoln	Romanelli	Stout
Fumo	Lloyd	Ross	Williams
Hager	Mellow	Scanlon	Wilt
Hankins	Musto	Shaffer	Zemprelli

Less than a majority of all 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?

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

YEAS—48

Andrezeski	Hess	Moore	Shumaker
Bell	Holl	Musto	Singel
Bodack	Hopper	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	Mellow	Shaffer	Zemprelli

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.

#### BILL OVER IN ORDER

**SB 952** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

#### BILLS ON THIRD CONSIDERATION AMENDED

**SB 1017 (Pr. No. 1732)** — 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 REIBMAN, by unanimous consent, offered the following amendment:

Amend Sec. 7, page 6, line 14, by inserting after "used": only

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

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

Amend Sec. 7, page 7, line 6, by removing the period after "activities" and inserting: or to support or oppose candidates for public or party office or to support or oppose any ballot questions or to support or oppose legislation being considered by any governmental body or to support or oppose the promulgation of rules and regulations by any governmental body.

Amend Sec. 9, page 7, lines 26 through 30, by striking out all of said lines

Amend Bill, page 10, by inserting between lines 5 and 6:

Section 13. Expiration date.

This act shall expire in three years.

Amend Sec. 13, page 10, line 6, by striking out "13" and inserting: 14

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, the legislation under consideration proposes to set up what is known as an IOLTA fund to provide monies for community legal services. The amendment which I have proposed would amend the bill in three ways.

First of all, it would prohibit the use of these funds for political campaign purposes or for lobbying use. As the Members of the Senate know, in the past there has been a rather strong debate with regard to the use of community legal service funds for what amounts to political purposes. Although the bill portends to deal with that subject, it does not truly deal with that, and it is the view of many of the Members that we need language just a bit stronger in order to be certain that what we conceive to be abuses would not happen with the use of those funds.

The second provision would be to remove a feature of this bill which permits community legal service units to purchase on state contracts. For the life of me, Mr. President, I can see no relationship between a community legal service group and the participants in that unit and the Commonwealth as far as purchasing is concerned. I would submit that I see no reason why a lawyer, for example, working in a community legal service unit, should be able to buy an automobile for his personal use through the state General Services contract.

The third provision, Mr. President, would be to provide a three year Sunset provision. We are embarking on a new program with this legislation and, as we do with many programs, the view is that we should have an enforced review of the new program after a trial period in order that the General Assembly may assess its success, under which circumstances it will, of course, vote to continue the agency or, if it is a failure, have the opportunity to eliminate it in the course of that Sunset review.

Mr. President, we think these are desirable amendments that will make this a good piece of legislation and a workable piece of legislation. I ask for support for the amendment.

Senator REIBMAN. Mr. President, I rise to oppose the amendment for various reasons.

In the first place, I think it is very necessary for the Members of this Body to know that in IOLTA, the Interest on Lawyer Trust Accounts, there is not one penny of state money or tax money going into this. This bill is really an enabling piece of legislation to enable lawyers, if they wish, to voluntarily use part of their law office trustee account interest to help fund, as a supplementary fund to the federal money, legal services for the poor and the indigent. There is no state money involved in this and this is not a state agency. If it were a state agency, then it seems to me they would be already subject to the Sunset Act we have already passed.

The amendment I offered earlier, which amends line 14, says that the uses of the IOLTA fund may be used only for two purposes: One, for the delivery of legal assistance to eligible clients, provided that such services are rendered by the grantees, and, two, for the administration and development for the IOLTA program. That is all this money can be used for.

In addition to those two provisions, which I strengthened by emphasizing that the IOLTA money can only be used for those purposes, there is another provision in the bill which prohibits political activity. It says that among the restrictions of this fund, which is a voluntary fund, one of the restrictions

is they cannot contribute to or be made available to any political party or association or the campaign of any candidate for public or party office or for any other similar political activities. The bill very explicitly prohibits any kind of political activity if lobbying is considered a political activity or the support of any particular candidate. In addition, in the contracts which legal services have with the Department of Public Welfare, the contract language prohibits any kind of political activity. As far as the language is concerned in the amendment offered by my colleague, the gentleman from Chester, Senator Stauffer, the language goes far beyond what is really intended to help people. Legal services is an organization which helps provide legal services for those who cannot afford the price of lawyers. In the gentleman's amendment, he would put a gag rule on people to prohibit them from responding during the commentary period of thirty days. Whenever a rule or regulation is promulgated by a state agency, they have to print that in the Pennsylvania Bulletin for comment among the public for thirty days. Everybody has a right to comment, but under this amendment, the poor would have a gag put on them. They could not, as a group, respond to this. How do we know that every rule and regulation promulgated by a governmental agency is a good rule? The whole purpose is to permit the commentary period by publicizing it. If we believe in equal justice as our Constitution says, and if we take an oath to uphold that Constitution, as when we pledge allegiance to the flag, we want equal justice for everybody. Equal justice should not be denied to people because they cannot afford legal services on their own and have to depend upon a legal services corporation which was set up in the federal government to begin with. I say again that this money and this bill is an enabling piece of legislation to permit lawyers, if they voluntarily want to, to use \$50 of interest—and that is all it provides—to help fund legal services which have been cut, like all human services from the federal budget.

Mr. President, I ask in the name of equal justice for all that this amendment be voted down.

Senator LEWIS. Mr. President, from listening to the debate on this issue, I do not think there is a significant difference of opinion about the end result that we choose to accomplish. It seems to me, however, that the procedure bears more review because of what may end up occurring as the result of the weight of some of the language that is now being suggested for adoption.

I have listened carefully to the concerns expressed by the gentleman from Chester, Senator Stauffer, and I think, first, with regard to the issue of the support of candidates for public office or legislation, the lady from Northampton, Senator Reibman, has adequately and, in fact, comprehensively spoken to that point. There seems to be no doubt, certainly in my mind, that the bill in its present form and now with the strength of the amendment which the lady from Northampton, Senator Reibman, has offered, that the funds generated as the result of the passage of this legislation will not and cannot be used for the purposes which the gentleman from Chester, Senator Stauffer, indicates he is concerned.

Secondly, I think the issue which the gentleman from Chester, Senator Stauffer, raises about the prospect of use of items acquired by piggybacking the state contracts for personal purposes is just an unrealistic fear. We all know that none of us, whether in the Senate or in any other agency of the government or in any other institution or organization permitted to piggyback on state contracts, can do so for personal purposes, and community legal services would be no different and not exempt from that in any way. In fact, what we are doing is recognizing there are limited funds available, and those funds, in fact, are inadequate, and that is why legislation of this sort is before us for consideration. To minimize the expenditure of those limited funds, the best possible purchasing opportunities ought to be made available and there are adequate safeguards against personal benefit from those purchasing opportunities.

I am concerned, as well, about the three year expiration date. I am fully supportive of Sunset legislation but I am afraid that is much too short to give us the opportunity to really know if the program is working in the way we hope it will work. What does all of this mean? I am afraid the language presented by the gentleman from Chester, Senator Stauffer, in this amendment, while well-intentioned, carries enough weight with it and enough potential for disagreement that it may well doom this very proposal. The concepts are, in fact, embraced by all of us. I do not think there is disagreement upon the basic proposal as made by the lady from Northampton, Senator Reibman, and for the sake of passing this bill in a form that will ensure the objectives which we want without jeopardizing its legislative history as it now must move to the House, I hope we would defeat this amendment and pass the bill as it now stands.

Senator STAUFFER. Mr. President, I would like to respond very briefly to a couple of the comments which have been made.

First of all, with regard to what the source of the money is, I do not think it is material at all to the debate whether this is state money or money which comes from lawyers' funds. I think the important factor is that this is a program being established by state government in law and that is the decisive factor which we must consider when we decide what the best provisions should be for that particular statute.

I think the lady from Northampton, Senator Reibman, has far overstated the situation when she uses terms like "gag rule." We are not gagging anyone. No one would be denied the opportunity to appear to present whatever testimony they might have in regard to any hearing which would be held. The point we are making is, we are saying if they want to do that, these monies should not be used for that purpose. We agree with the lady that these monies should be used to provide legal services for the poor, and if we are using these monies for lobbying efforts and political efforts, then those monies are not being used for that purpose.

As far as the Reibman amendment is concerned that would be fine, except our review of the legislation with that amendment recognizes that the lobbying issue is still left open. Her

amendment does not deal with that and that is the reason we need stronger language.

We have a good bill with these provisions. In fact, both of the speakers who have spoken against the amendment indicate that the goals which we have talked about in the amendment I have offered are laudable to some degree. Therefore, I think in the instance and the reason in having good legislation that we should support this amendment and end up with a bill which would be workable, and one that when it is reviewed under Sunset in three years would have a very good opportunity of being continued because it had proven to be good. I do not think anyone need have fear that Sunset legislation of this type is going to destroy a program because we all know it will not destroy a program unless the program destroys itself.

Senator REIBMAN. Mr. President, again I must emphasize that I oppose the amendment because the provision which I said was "gag rule" really is, because it prohibits any activity that would oppose legislation being considered by any governmental body or to support or oppose a promulgation of rules and regulations by any governmental body. I think this amendment is an overkill. I think the bill is very clear and incisive in what it prohibits and what it permits. Many times the only way poor people can seek redress is through opposing a rule or regulation promulgated by a governmental body. It is much better to oppose it that way than to have to go to court, which is usually costly. I know there are many people on the other side of the aisle who have opposed legal services because they have gone to court to seek redress for people who have been hurt by some rule or law. This would negate that and would really give flesh and substance to the provision that when a rule is printed for thirty days for comment, that the legal services then, on behalf of their clients, would be able to state that the rule is unfair or it is not workable, or that it is not right, or that the rule may be good and it may be the right thing to do. It is a gag that is being imposed upon the poor. I do not believe just because economic circumstances prohibit people from petitioning their government or exercising their First Amendment rights they should be denied because their economic circumstances are low. In good times it is very easy to be for equal justice for everybody, but it is pretty tough to be for that when times are bad and people need help.

Senator SNYDER. Mr. President, as the good lady from Northampton, Senator Reibman, knows, I am very sympathetic with her bill. I think legal services deserve some help from some direction. To the extent it is helping the people in the lower income classes is why it does a good job. However, when I look at this amendment from this standpoint, when a lawyer is going to decide whether to assign this account of his to the purpose for which this bill is intended, he would be very reassured by this amendment because I think he would say to himself, "Well, they are going to use this strictly to help the individual person with their rent problem, or whatever their immediate problem is, and it will not be used for some of the purposes that have been found objectionable through the years to legal services." I think in the interest of

getting the most money into this fund in the long run, this amendment will be very helpful.

With respect to the Sunset provision, I think it is appropriate to include that because this is quite a departure from the normal pattern of the laws we enact and I think it is, in a sense, on trial. I think it is a worthy thing to try. I expect to vote for it. At the same time, we are quite justified in saying to ourselves, let us watch it for three years and then we will know whether we want to renew it. I suggest the Members vote for the amendment and ultimately for the bill.

#### QUESTION DIVIDED

Senator STREET. Mr. President, is the amendment divisible?

The PRESIDENT pro tempore. For the purpose of the Chair's determination, would the gentleman indicate where or how he would like to divide the question?

Senator STREET. Mr. President, I have no problem with Sunset, in having a program reviewed, but I have a problem with the rest of it.

I believe it is in Section 13. I do not have a copy of the amendment but the sponsor just told me it is Section 13.

The PRESIDENT pro tempore. The Parliamentarian is now checking the bill. Pending that, the Chair will rule.

It would be the ruling of the Chair that the question is divisible. It could be treated as two questions. The first one would begin with "Amend Section 7, page 7" and end with "Amend Section 9, page 7, lines 26 through 30, by striking out all of said lines."

The second question would then be "Amend Bill, page 10, by inserting between lines 5 and 6:

"Section 13. Expiration date.

"This act shall expire in three years.

"Amend Section 13, page 10, line 6 by striking out '13' and inserting: 14."

Does the gentleman request that the question be divided?

Senator STREET. Mr. President, were my remarks informal or formal when I moved on my way back to the microphone?

The PRESIDENT pro tempore. It is a matter of right. It does not require a motion. If the gentleman wishes that the question on the amendment be divided, that having been accomplished, the first question to be placed before the Senate would be the first portion of the amendment which deals with everything except the Sunset provision.

The Clerk read the amendment as follows:

Amend Sec. 7, page 7, line 6, by removing the period after "activities" and inserting: or to support or oppose candidates for public or party office or to support or oppose any ballot questions or to support or oppose legislation being considered by any governmental body or to support or oppose the promulgation of rules and regulations by any governmental body.

Amend Sec. 9, page 7, lines 26 through 30, by striking out all of said lines

On the question,

Will the Senate agree to the amendment, as divided?

## LEGISLATIVE LEAVE

Senator JUBELIRER. Mr. President, I have been advised by Senator Wilt that he has been called off the floor to address a group of persons in his capacity as Chairman of the Committee on Public Health and Welfare. He is requesting a legislative leave of absence for the remainder of today's Session.

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

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

Senator STREET. Mr. President, I rise to oppose the section of the amendment that we are presently considering. I do that for several reasons. Number one, I think there is a very fine line when we have community groups who come to Harrisburg who are individuals, for the most part, who do not have a lot of formal education, who sometimes do not understand the bills that are before the various bodies and I think the problem of technical assistance versus lobbying needs to be defined. When we have lawyers who come to Harrisburg to provide the technical assistance, to explain the very technical part of the legislation to the individual groups who may have a problem articulating those technical problems to the Senators and when the lawyer himself, or that technical person begins to articulate that, I think we would define that as lobbying. I am not so sure we should not be a little more flexible than that. I am not so sure we accomplish anything in this area of community legal services, the service they provide to the poor. I believe what we have here is a very minimal part of the service that is provided by legal services through the legislative process. I do not believe the bulk of the time our lawyers who are hired in community legal services spend time in Harrisburg. I believe we may have several departments; for example, we have a bill on housing or on welfare, we may at that point see lawyers up here providing technical service, not lobbying. I can clearly remember a lawyer from legal services providing a technical service on House Bill No. 500 when there were those of us who did not understand the mechanics lien versus some other kind of lien. In my opinion, that is not lobbying, that is helping us deal with the technical aspects of the legislation. I ask that we abide by the contract that was read by the lady from Northampton, Senator Reibman, where they cannot get involved. I mean we have a contract. I ask what good is the contract that the state and community legal services enter into if we now have to legislate provisions of the contract? I mean that is the way I understand it.

Mr. President, I say to the Members to vote "no" on this aspect of this amendment.

## POINT OF ORDER

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

The PRESIDENT pro tempore. The lady from Northampton, Senator Reibman, will state it.

Senator REIBMAN. For clarification, Mr. President, we are voting now to divide the question into two parts?

The PRESIDENT pro tempore. The question is divisible as of right, Senator. The question has been divided and we are voting on all of the amendment except the Sunset provision.

Senator REIBMAN. Mr. President, I then ask for a "no" vote.

## POINT OF ORDER

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

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

Senator ROMANELLI. Mr. President, I think I know what the gentleman wants to do and I probably agree with him, however, I would like to have the amendment in printed form in front of me so that I can follow it. I suggest we go over the bill until that happens.

The PRESIDENT pro tempore. Senator, within thirty seconds you will have it. The Senate will be at ease.

(The Senate was at ease.)

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

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

## YEAS—23

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

## NAYS—25

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

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

The PRESIDENT pro tempore. The Senate now has before it the second part of the amendment offered by Senator Stauffer.

The Clerk read the amendment as follows:

Amend Bill, page 10, by inserting between lines 5 and 6:

Section 13. Expiration date.

This act shall expire in three years.

Amend Sec. 13, page 10, line 6, by striking out "13" and inserting: 14

On the question,

Will the Senate agree to the amendment, as divided?

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

## YEAS—48

Andrezeski	Hess	Moore	Shumaker
Bell	Holl	Musto	Singel
Bodack	Hopper	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	Mellow	Shaffer	Zemprelli

## NAYS—0

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

The PRESIDENT pro tempore. Senate Bill No. 1017 will go over, as amended.

**SB 1045 (Pr. No. 1607)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 11, 1976 (P. L. 14, No. 10), entitled "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," granting additional power to the department to dispose of certain lands.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 7), page 1, line 12, by striking out "The department shall" and inserting: (1) The department shall

Amend Sec. 1 (Sec. 7), page 2, line 6, by striking out "Any other provision of law to" and inserting: (2) Any other provision of law to

Amend Sec. 1 (Sec. 7), page 2, line 18, by striking out "In the event the" and inserting:

The sale by the department of any rail property or other property acquired under the provisions of this or any other rail-related act to any responsible person, firm or corporation shall be by a system of public competitive bidding.

(3) In the event the

Amend Sec. 1 (Sec. 7), page 2, line 29, by striking out "At least 30" and inserting: (4) At least 30

Amend Sec. 1 (Sec. 7), page 2, line 30, page 3, line 1, by striking out "this section" and inserting: subsection (a)(2) or (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 KUSSE.

**SB 1217 (Pr. No. 1654)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the allocation of proceeds from the oil company franchise tax.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 9511), page 2, line 22, by inserting after "highways": heretofore

Amend Sec. 2, page 3, line 9, by striking out "in 60 days." and inserting: immediately.

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 WENGER.

**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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER, on behalf of Senator HAGER, by unanimous consent, offered the following amendment:

Amend Bill, page 2, by inserting between lines 13 and 14:

Section 3. Section 3 of the act, amended November 20, 1969 (P.L.305, No.130), is amended to read:

Section 3. State Public School Building Authority.—The Governor, the State Treasurer, the Auditor General, the Superintendent of Public Instruction, the Secretary of Property and Supplies, the President pro tempore of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and their respective successors in office are hereby created a body corporate and politic, constituting a public corporation and governmental instrumentality by the name of the "State Public School Building Authority." The President pro tempore of the Senate and minority leader of the Senate and the Speaker of the House of Representatives and minority leader of the House of Representatives may designate any member of the Senate or House, respectively, to act in their stead to serve at the discretion of the respective President pro tempore or minority leader and Speaker of the House of Representatives or minority leader. Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

The President pro tempore of the Senate and the Speaker of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives, shall continue as members of the Authority until their respective successors in office assume such office, regardless of whether or not they shall have ceased to be members of the Senate or the House of Representatives. The members of the authority may authorize by written proxy or authorization, a personal deputy to appear and act for them at a meeting and for the purposes specified in such written proxy or authorization, provided that a separate written authorization or proxy shall be required for each separate meeting.

Amend Sec. 2, page 2, line 14, by striking out "2" and inserting: 3

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

Amend Sec. 4, page 4, line 22, by striking out "4" and inserting: 5

Amend Sec. 5, page 8, line 23, by striking out "5" and inserting: 6

Amend Sec. 6, page 11, line 26, by striking out "6" and inserting: 7

Amend Sec. 7, page 12, line 25, by striking out "7" and inserting: 8

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 JUBELIRER.

**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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3 (Sec. 12), page 6, line 29, by inserting brackets before and after "Property and Supplies" and inserting immediately thereafter: General Services

Amend Sec. 3 (Sec. 12), page 7, lines 1 and 2, by inserting brackets before and after "Property and Supplies" and inserting immediately thereafter: General Services

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 JUBELIRER.

## SECOND CONSIDERATION CALENDAR

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

**SB 508** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

### BILLS OVER IN ORDER

**SB 250, 582, HB 712, 713, 714 and SB 717** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

### BILL ON SECOND CONSIDERATION AMENDED

**HB 793 (Pr. No. 2437)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspensions for failure to stop for flashing red signals on school buses and for school bus operators to report violations to appropriate police officers and changing a penalty.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER offered the following amendment:

Amend Sec. 3 (Sec. 3345), page 6, lines 10 through 13, by striking out "The identity of the person preparing" in line 10, and all of lines 11 through 13

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, the legislation which is before us deals with the suspension of operating privileges for a driver's failure to stop for the flashing red signals on a school bus. In addition, this legislation proposes that a school bus operator may have the right to present charges against a violator of that provision of the code even though a police officer might not be present to witness the offense. Under the language of the bill as it appears before us, the school bus operator could make that charge anonymously. One of the great principles of American justice has been that an accused is privileged to know who the accuser is and to be faced by that accuser. This amendment merely provides that the identity of the person preparing that charge, the identity of the accuser, would be known to the accused. In my judgment, this is only fair. It in no way takes away from what we are trying to accomplish in this legislation which I think is a very important bill and which I very strongly support, but I do believe that, in all fairness, someone should have the right to know the identity of the person who is presenting a charge against him. I ask for approval of the amendment.

Senator EARLY. Mr. President, I rise to ask for a negative vote. If we look at page 6, beginning with line 10, the bill specifically states at the present time, without the amendment: "The identity of the person preparing the report shall not be disclosed to the defendant unless requested by the defendant or his counsel for the purpose of preparing a defense." Therefore, what the gentleman wants to accomplish is there. He can confront his accuser in preparing his defense.

I see no point in the amendment, Mr. President, and I ask for a negative vote.

Senator BELL. Mr. President, we have been a little melodramatic today and I want to be a little melodramatic. This is not a Gestapo state. When charges are made, the identity of the person making the charges should be known.

Senator STAUFFER. Mr. President, my understanding is that it has been a cardinal principle of law that the identity of the complainant always appears on the face of a complaint. Someone who is being charged should not, under our system of justice, have to ask for or request that identity. That is the reason I have offered this amendment. The gentleman from Allegheny, Senator Early, has pointed out that the person can make that request, but that would be contrary to the system of justice that has prevailed in this country from its inception. That is the reason I believe we need this amendment.

Senator EARLY. Mr. President, very briefly, I am concerned that if this information is made public at the outset

without the individual defendant asking for it, the bus drivers would be reluctant to indicate or file a complaint. I think we should do everything possible to encourage the bus drivers to inform the police that an individual has passed a bus while it was stopped. I think it is incumbent upon us not to discourage a bus driver from informing the police that someone has broken that particular law. Keep in mind the law we are talking about is a law which prohibits someone from passing a school bus while it is stopped. Keep in mind that the kids have been conditioned over the years that when that bus is stopped, they can run to the bus and from the bus pretty much at ease. I am concerned that with this amendment we are going to discourage bus drivers from turning in someone who does break this law. Keep in mind the seriousness of this law. We are not talking about a shoplifter. We are talking about someone who will be driving a 9,000 pound automobile who has the potential of running over a very small child. I do not think this Senate should discourage anyone from reporting an individual who would break that particular law.

Senator JUBELIRER. Mr. President, the gentleman from Allegheny, Senator Early, has a well-deserved reputation of protecting those on the highway who are unable to protect themselves. The gentleman has been active in things such as driving under the influence and automobile safety and I respect him for that. However, sometimes I think we have to look to the broader picture and in this case I think the gentleman from Allegheny, Senator Early, is missing the entire picture. I think there is a serious constitutional problem here, Mr. President. I agree with the gentleman that we are not looking at a shoplifter. We are looking at something very serious. But in the most serious and most heinous of offenses, whether it be rape, murder, burglary, robbery or whatever, the complainant must sign his or her name and that is the basis of the jurisprudence and the constitutionality of such a reason that our forefathers wisely decided to place in the Bill of Rights that any accused has the right to face his or her accuser. The complaint on the face should be signed. There is no reason that this offense would be considered more serious than rape, murder, robbery or what have you.

Mr. President, in our zealotry to gain prosecutions, let us not destroy the very foundations of the Bill of Rights. I do not think the gentleman will want to do that and I subscribe to the fact that the clause he read does not, indeed, meet the basic constitutional requirements that an accused has the right to know who his accuser is. I do not believe for one moment that any responsible school bus driver would ever be deterred with the responsibility that driver has of reporting somebody who passed that bus.

Mr. President, I think we need to remind ourselves in this Senate of our oath from time to time to uphold that Constitution, particularly something as basic as this. I subscribe to the amendment which the gentleman from Chester, Senator Stauffer, has offered.

Senator BELL. Mr. President, the children in my district are just as valuable to me as the children in western Pennsylvania are to the gentleman from Allegheny County. My own

children have ridden the school bus and my grandchildren are riding them today. The lives of every child in that school bus must be protected.

I do not know what kind of school bus drivers he has in his district, but down my way if we go by a school bus we end up in front of a Justice of the Peace. I would suggest, rather than infringing and trying to get some type of Gestapo accommodation, that we fire the school bus drivers who do not protect the children on the school bus. These school bus drivers who will not protect that child by turning in somebody who runs through the red light should be fired and fired today.

Senator KELLEY. Mr. President, the gentleman from Blair County made observations about what we are jurisprudentially, and I think he makes a well-founded argument to be supportive of the amendment. At the same time I would like to remind my colleagues that we should think of what we are not. We are not Marxists; we are not fascists; we do not support police states. We have always said that in the process of criminal accusation the accuser stands up publicly and identifies himself to make the accusation. I believe this amendment fortifies and protects the continuity of that doctrine and I urge an affirmative vote.

Senator BRIGHTBILL. Mr. President, the one factor no one is talking about here is simply this, that the defendant can find out the name of the witness. Whether he is given the name by request or whether he is not, the witness has no legal obligation to talk to the defendant or his counsel prior to the hearing. Therefore, why not permit the defendant to learn the identity of the witness when he should? It should be stated very, very simply in the information that he need not talk to the defendant or his counsel. Meanwhile, we are not treading in very murky constitutional waters.

Senator EARLY. Mr. President, I request a roll call vote.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEAS—42

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

#### NAYS—6

Andrezski	Lincoln	Reibman	Ross
Early	Mellow		

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

On the question,

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

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

Amend Title, page 1, line 3, by striking out "and" and inserting: ; further providing

Amend Title, page 1, line 5, by inserting after "officers;": further providing for the use of certain school bus signals when such bus is used to transport disabled persons;

Amend Sec. 3, page 5, line 7, by inserting after "3345": (j)

Amend Sec. 3, page 5, lines 7 and 8, by striking out "by adding a subsection" and inserting: and subsections are added

Amend Sec. 3 (Sec. 3345), page 6, by inserting between lines 17 and 18:

(f.1) Use of school buses for transportation of disabled persons.—Whenever a school bus is being used upon the highway for the transportation of disabled persons exclusively and the school bus is equipped with red signal lights, the driver of the school bus may actuate the signal lights in the same manner as set forth in this section regarding the transportation of school children. The driver of a vehicle approaching the school bus shall have the same duties regarding stopping, passing and overtaking as he does with respect to a school bus carrying school children.

\*\*\* (j) Penalty.—Any person violating subsection (a) or (f.1) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

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

Senator ROMANELLI. Mr. President, this amendment would allow for the use of signal lights on school buses being used to transport disabled persons.

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

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

YEAS—47

Table with 4 columns of names: Andrezeski, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Jubelirer, Kelley, Kratzer, Kusse, Lewis, Lincoln, Lloyd, Loeper, Mellow, Moore, Musto, O'Connell, O'Pake, Pecora, Reibman, Rhoades, Rocks, Romanelli, Ross, Scanlon, Shaffer, Shumaker, Singel, Snyder, Stapleton, Stauffer, Stout, Street, Tilghman, Wenger, Williams, Wilt, Zemprelli

NAYS—1

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

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

It was agreed to.

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

BILLS OVER IN ORDER

SB 910, HB 946, SB 988, 1032, 1168, 1231 and 1239 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 1245 (Pr. No. 1717) — The Senate proceeded to consideration of the bill, entitled:

An Act empowering the Department of Transportation to preserve and improve rail freight service in the Commonwealth by making grants, loans or other assistance available to qualified applicants; authorizing a comprehensive rail study; making an appropriation; and making repeals.

The bill was considered.

On the question, Will the Senate agree to the bill on second consideration? Senator KUSSE offered the following amendment:

Amend Bill, page 16, by inserting between lines 21 and 22:

Section 12. Appropriation.

The sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Transportation for fiscal year July 1, 1983 to June 30, 1984 to be used solely for the accelerated rail maintenance program.

Amend Sec. 12, page 16, line 22, by striking out "12" and inserting: 13

Amend Sec. 13, page 16, line 27, by striking out "13" and inserting: 14

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 KUSSE.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1448 (Pr. No. 2500) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Real Estate Licensing and Registration Act," approved February 19, 1980 (P. L. 15, No. 9), adding and amending definitions; creating, empowering and governing a commission; eliminating confidentiality requirements; changing hours of study and specifying areas of study for applicants; eliminating fee requirements; imposing reporting duties on the Pennsylvania Human Relations Commission; adding a prohibition; broadening the scope of regulation of promotional sales and requiring public accounting for promotional sales; requiring contractual disclosures; regulating reinstatement of revoked licenses; changing limits of liability and increasing assessments for the recovery fund; requiring statements as to the fair market value and odds of receiving any prize in relation to certain offerings of real property; establishing a study committee; making editorial changes; and making repeals.

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.

## COMMUNICATIONS FROM THE GOVERNOR

### RECALL COMMUNICATIONS LAID ON THE TABLE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and laid on the table:

#### CONTROLLER, IN AND FOR THE COUNTY OF MCKEAN

February 27, 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 appointment of Joyce Carr, 611 East Green Street, Smethport 16749, McKean County, Twenty-fifth Senatorial District, as Controller, in and for the County of McKean, to serve until the first Monday of January, 1986, vice John Edeen, deceased.

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

DICK THORNBURGH.

#### MEMBER OF THE MONROE COUNTY BOARD OF ASSISTANCE

February 24, 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 Rudolph F. Szollar (Republican), R. D. 6, Box 328, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, as a member of the Monroe County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Gertrude Denlinger, Pocono Pines, resigned.

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

DICK THORNBURGH.

## 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:

#### CONTROLLER, IN AND FOR THE COUNTY OF MCKEAN

February 27, 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 appointment of Joyce Carr, 611 East Green Street, Smethport 16749, McKean County, Twenty-fifth Senatorial District, as Controller, in and for the County of McKean, to serve until the first Monday of January, 1986, vice John Edeen, deceased.

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

DICK THORNBURGH.

#### MEMBER OF THE MONROE COUNTY BOARD OF ASSISTANCE

February 24, 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 Rudolph F. Szollar (Republican), R. D. 6, Box 328, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, as a member of the Monroe County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Gertrude Denlinger, Pocono Pines, resigned.

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 pro tempore. The nominations will be returned to the Governor.

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

#### MEMBER OF THE STATE BOARD OF NURSE EXAMINERS

January 30, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Emma Jean Knapper, 401 Church Street, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Nurse Examiners, to serve for a term of six years and until her successor is appointed and qualified, but in no event longer than six months beyond that period, vice Jean A. Williams, R.N., Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE ART COMMISSION

October 31, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alvin Holm, 123 North Lambert Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, for reappointment 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.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF EMBREEVILLE STATE HOSPITAL

December 2, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert H. Hanna, M.D., 6 Prout Drive, Coatesville 19320, Chester County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Embreeville State Hospital, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice Joseph B. Gilley, Downingtown, deceased.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

December 23, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Evelyn Chostner Marboe, 705 West Hamilton Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Mary A. McDermott, State College, resigned.

DICK THORNBURGH.

MEMBER OF THE LEHIGH COUNTY BOARD OF ASSISTANCE

November 14, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Roberta W. Longworth (Democrat), 2521 Green Acres Drive, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1984, and until her successor is duly appointed and qualified, vice Linda G. Crawford, Allentown, resigned.

DICK THORNBURGH.

MEMBER OF THE MONTGOMERY COUNTY BOARD OF ASSISTANCE

January 6, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Anne E. Baldrige (Republican), 101 Woodland Road, Wyncote 19095, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Montgomery County Board of Assistance, to serve until December 31, 1986, and until her successor is duly appointed and qualified, vice Ethel G. Shapiro, Elkins Park, resigned.

DICK THORNBURGH.

MEMBER OF THE SULLIVAN COUNTY BOARD OF ASSISTANCE

November 14, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Theodore T. Johnson (Republican), Prospect Avenue, P. O. Box 358, Eagles Mere 17731, Sullivan County, Twenty-third Senatorial District, for appointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 1985, and until his successor is duly appointed and qualified, vice Edith Rokus, Mildred, resigned.

DICK THORNBURGH.

On the question,  
Will the Senate advise and consent to the nominations?

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

YEAS—48

Andrezeski	Hess	Moore	Shumaker
Bell	Holl	Musto	Singel
Bodack	Hopper	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	Mellow	Shaffer	Zemprelli

NAYS—0

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

Ordered, That the Governor be informed accordingly.

## NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

January 6, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Herbert W. Browne, Plymouth Hill Condominiums, Apartment 810-S, 666 West Germantown Pike, Plymouth Meeting 19462, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1987, and until his successor is appointed and qualified, vice Alfred J. D'Angelo, Gladwyne, deceased.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator MELLOW. Mr. President, I reluctantly have to take the floor of the Senate to ask my colleagues to vote "no" on the nomination of Herbert W. Browne. It does not necessarily have anything to do with the qualifications that Mr. Browne may have with regard to serving as a member of the Drug, Device and Cosmetic Board, but, basically, because the Governor has violated his authority to make the appointment of Mr. Browne to that board. I think it only fair to point out to the Members of the Senate that Mr. Browne replaces a gentleman by the name of Alfred J. D'Angelo. Mr. D'Angelo died on January 27, 1983. The ninety-day period of time in which the Governor had to make the appointment expired on April 27, 1983. The Governor did not refer a name to the Senate until June 22, 1983, some sixty-six days beyond the expiration of the ninety-day rule, and because of this, Mr. President, I have to ask for a negative vote on the nominee.

Senator LOEPER. Mr. President, in the case of this nominee, the Governor's Office was not aware of the vacancy created by the death of Mr. D'Angelo who was on the Drug, Device and Cosmetic Board until the third month, twenty-fourth day of 1983. Therefore, that was the day on which the Governor's Office was notified of that vacancy and Mr. Browne's name was sent and received by the Senate on the 22nd of June, 1983, which was the ninetieth day. I ask for an affirmative vote on Mr. Browne's nomination.

Senator MELLOW. Mr. President, I think it is only proper to note that I believe the date of the vacancy would be the day the gentleman passed away, January 27, 1983.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

## YEAS—26

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

## NAYS—19

Andrezeski	Kelley	Reibman	Singel
Bodack	Lincoln	Rocks	Stapleton
Early	Lloyd	Romanelli	Stout
Fumo	Mellow	Ross	Zemprelli
Hankins	Musto	Scanlon	

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

Ordered, That the Governor be informed accordingly.

## EXECUTIVE SESSION RISES

Senator LOEPER. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

## UNFINISHED BUSINESS

## CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Evelyn A. Preising and to Dorothy M. Carrasco by Senator Bell.

Congratulations of the Senate were extended to the Citizens Hose Company Number 5 of Lock Haven by Senator Corman.

Congratulations of the Senate were extended to Harrison "Hap" Kramer, Juanita "Boots" Hope, Lou Berlich and to Chief James Campbell by Senator Fisher.

Congratulations of the Senate were extended to Willie Mosconi and to William Penn Bank by Senator Fumo.

Congratulations of the Senate were extended to Joseph S. Heller by Senator Hager.

Congratulations of the Senate were extended to Robert Wayne Herb, Jr., Dennis L. Slaybaugh, Carl J. Stillo and to Carrie E. Wert by Senator Helfrick.

Congratulations of the Senate were extended to all secretaries in the Commonwealth on observance of Secretaries Week by Senator Hess.

Congratulations of the Senate were extended to Mr. and Mrs. Jesse Gilson, Mr. and Mrs. Willis Glunt, Mr. and Mrs. Lester Leonard, Mr. and Mrs. Russell Parsons, Mr. and Mrs. Foster J. Rodgers, Mr. and Mrs. Charles E. Truax, John W. Gardner and to Steven Marin by Senator Jubelirer.

Congratulations of the Senate were extended to the Neshaminy Langhorne High School Marching Band by Senator Lewis.

Congratulations of the Senate were extended to Thomas Earl Brown, Robert M. Pollick IV, Walter F. Milke, Rhawnhurst Athletic Association of Philadelphia and to Robert Forish by Senator Lloyd.

Congratulations of the Senate were extended to Anthony C. Nespoli and to the Presbyterian Ministers' Fund by Senator Loeper.

Congratulations of the Senate were extended to Dr. Paul E. Gutekunst by Senators Loeper and Rocks.

Congratulations of the Senate were extended to Mr. and Mrs. William L. Keith by Senator Moore.

Congratulations of the Senate were extended to Walter Rickert by Senator O'Connell.

Congratulations of the Senate were extended to Philip L. Sellers and to Frank A. Nelson, Jr. by Senator Pecora.

Congratulations of the Senate were extended to Mr. and Mrs. Willard Hoats and to Mr. and Mrs. William Tumas by Senator Rhoades.

Congratulations of the Senate were extended to Kevin J. Miller and to Captain Edward McLaughlin by Senator Rocks.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Daellenbach by Senator Ross.

Congratulations of the Senate were extended to Bessie Pearl by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Fred L. Polen, Mr. and Mrs. Harry E. Killen, Jr., Mr. and Mrs. John Marosz, Mr. and Mrs. Victor Bell and to Jonathan Parks by Senator Stout.

### BILLS ON FIRST CONSIDERATION

Senator SNYDER. 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 934, 948 and 1112.**

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, I think we have reached an all time low today with the statement made by the Chairman of the Committee on Rules and Executive Nominations when he said the ninety-day rule does not apply in the event of the death of a person because notification had not been received until some time later. I never had any sympathy for any of the other excuses that were made with respect to the time that the post office delivered the mail or any of the other, but I think it makes a mockery of the system and of the Constitution of Pennsylvania to suggest that a death does not begin a vacancy in any situation. I feel badly that we would stoop to those kinds of excuses in making nominations beyond the ninetieth day. I think it is clear that the intent of the Legislature and certainly of the people of the Commonwealth of Pennsylvania was to establish a ninety-day rule. In spite of what the Majority Leader may feel, I think it makes a total mockery of this system and I repeat myself and that is

the end of the remarks I would make. I do not know how they can continue to stand there and continue to confirm people who have been appointed after ninety days on the flimsy excuses that are used. I would like to know or have somebody explain to me why death does not terminate an office and why, in fact, that is not notice to the world of the fact there is a vacancy, including the Governor of the Commonwealth of Pennsylvania, including the Majority Leader and including the Chairman of the Committee on Rules and Executive Nominations.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE STATE ART COMMISSION

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Philip D. Simonds, 304 Sixth Street, Oakmont 15139, Allegheny County, Forty-fourth Senatorial District, for appointment 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, vice William G. Swain, Monroeville, whose term expired.

DICK THORNBURGH.

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

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate E. Craig Sweeten, P. O. Box 158, Skytop 18357, Monroe County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

#### MEMBER OF THE HEALTH CARE POLICY BOARD

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William G. Williams, 714 Moredon Road, Meadowbrook 19046, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Health Care Policy Board, to serve until March 11, 1987, and until his successor is appointed and qualified.

**DICK THORNBURGH.**  
**MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS**

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Martha B. Montgomery, Ph.D. (Public Member), 2320 Perot Street, Philadelphia 19130, Philadelphia County, Second Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve until May 28, 1986, and until her successor is appointed and qualified, but not longer than six months beyond that period.

**DICK THORNBURGH.**  
**MEMBER OF THE PENNSYLVANIA BOARD  
OF PSYCHOLOGIST EXAMINERS**

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patricia A. Bricklin, Ph.D., 470 General Washington Road, Wayne 19087, Montgomery County, Nineteenth Senatorial District, for reappointment as a member of the Pennsylvania Board of Psychologist Examiners, to serve until December 24, 1986, and until her successor is appointed, but not longer than six months beyond that period.

**DICK THORNBURGH.**  
**MEMBER OF THE PENNSYLVANIA BOARD  
OF PSYCHOLOGIST EXAMINERS**

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Henry M. Weeks, IV, Ph.D., 211 Echo Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Board of Psychologist Examiners, to serve until December 24, 1986, and until his successor is appointed, but not longer than six months beyond that period.

**DICK THORNBURGH.**  
**MEMBER OF THE BOARD OF TRUSTEES  
OF THADDEUS STEVENS STATE SCHOOL  
OF TECHNOLOGY**

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Madelyn P. Nix, 95 Valleybrook Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Albert Month, Lancaster, whose term expired.

**DICK THORNBURGH.**  
**MEMBER OF THE BOARD OF TRUSTEES OF  
THE WESTERN YOUTH DEVELOPMENT CENTERS**

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patricia Weber, R. D. 1, Box 299A, Clinton 15026, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Board of Trustees of The Western Youth Development Centers, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice Hannah Schmidt, Pittsburgh, resigned.

**DICK THORNBURGH.**  
**MEMBER OF THE CUMBERLAND COUNTY  
BOARD OF ASSISTANCE**

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joan B. Harrison (Democrat), 1671 Quail Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 1985, and until her successor is duly appointed and qualified, vice Fred K. Chubb, Shippensburg, terminated.

**DICK THORNBURGH.**  
**MEMBER OF THE ELK COUNTY  
BOARD OF ASSISTANCE**

February 24, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Francis DePanfilis (Democrat), 125 South Broad Street, Ridgway 15853, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Elk County Board of Assistance, to serve until December 31, 1986, and until his successor is duly appointed and qualified, to fill a new position.

**DICK THORNBURGH.**

**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 27, 1984

**HB 159, 1340, 1839, 1840, 1841 and 1842** — Committee on Local Government.

**HB 312** — Committee on Judiciary.

**HB 704 and 705** — Committee on Environmental Resources and Energy.

**HB 1333** — Committee on Urban Affairs and Housing.

**HB 1832** — Committee on Transportation.

**HB 1919 and 1920** — Committee on Appropriations.

## GENERAL COMMUNICATIONS

### BILLS INTRODUCED AND REFERRED

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

February 27, 1984

Senator GREENLEAF presented to the Chair **SB 1264**, entitled:

An Act providing for the regulation and licensing of radiologic technologists; and establishing a Radiologic Technology Board of Examiners.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 27, 1984.

Senator BODACK presented to the Chair **SB 1265**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for appropriations for insurance.

Which was committed to the Committee on LOCAL GOVERNMENT, February 27, 1984.

### RESOLUTION INTRODUCED AND REFERRED

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

February 27, 1984

#### AMENDING SENATE FINANCIAL OPERATING RULE IV, SECTIONS 1 AND 4

Senator HAGER offered the following resolution (**Senate Resolution No. 106**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 27, 1984.

#### A RESOLUTION

Amending Senate Financial Operating Rule IV, sections 1 and 4.

RESOLVED, That Senate Financial Operating Rule IV, sections 1 and 4, be amended to read:

#### IV. Equipment and Furnishing Control and Inventory

1. The office of the Chief Clerk shall act as the sole agent for improvements or renovations to Senate facilities at the Capitol Complex and for the purchase, control and inventory of durable equipment, furniture and furnishings with a useful life of one year or more and a cost [of more than \$100] greater than the limit

established by the Committee on Management Operations for utilization in both the Capitol and district offices. Nonrecoverable items including, but not limited to, carpeting, draperies and air conditioners for use in and improvements or renovations to district office facilities shall be purchased pursuant to standards developed by the Senate Committee on Management Operations. The Chief Clerk shall serve as the sole agent for the purchase of United States and Pennsylvania flags.

\*\*\*

4. The Chief Clerk shall take all necessary and reasonable steps to ensure that the purchase or rental of durable equipment, furniture and furnishings with a useful life of one year or more and a cost [of more than \$100] greater than the limit established by the Committee on Management Operations shall be transacted at the lowest available price for the quality, compatibility and service of the items being purchased or leased.

\*\*\*

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, FEBRUARY 28, 1984

9:00 A.M.	Legislative Budget and Finance Committee (to release sunset performance audit reports on the following boards and commissions:	Room 460, 4th Floor Conference Rm., North Wing
	1. State Workmen's Insurance Board	
	2. Pennsylvania Milk Marketing Board	
	3. State Farm Products Show Commission)	
10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1255 and House Bills No. 58 and 226)	Room 461, 4th Floor Conference Rm., North Wing
10:30 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 784, 1084 and 1085, also the report of the Banking and Insurance Committee on the Sunset Evaluation of the Savings Assn. Board and the plan of the Banking and Insurance Committee to perform the Sunset Eval. of the PA Securities Commission)	Room 460, 4th Floor Conference Rm., North Wing
11:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 1181, 1200, 1213; House Bills No. 59, 542,	Room 459, 4th Floor Conference Rm., North Wing

	1155, 1643 and 1832)	
11:30 A.M.	JUDICIARY (to consider Senate Bill No. 1100; House Bills No. 824, 825 and 1672)	Room 461, 4th Floor Conference Rm., North Wing
12:30 P.M.	URBAN AFFAIRS AND HOUSING (to amend Senate Bill No. 1229)	Room 459, 4th Floor Conference Rm., North Wing
off the floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations; Senate Resolutions No. 100 and 106)	Rules Committee Conference Rm.

## WEDNESDAY, FEBRUARY 29, 1984

9:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider DPW proposed regulation 14-232, Community Residential Mental Retardation Facilities and DPW proposed regulation 14-234 Client Liability - Community Services)	Room 459, 4th Floor Conference Rm. North Wing
9:30 A.M.	LAW AND JUSTICE (to consider House Bill No. 133)	Room 461, 4th Floor Conference Rm., North Wing
10:30 A.M.	GAME AND FISHERIES (to consider Senate Bills 1153, 1154, 1155 and House Bill No. 686)	Room 460, 4th Floor Conference Rm., North Wing
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

## 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	Heritage Rm. A, 333 Market St.
-----------	---	-----------------------------------

(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)

## MONDAY, MARCH 5, 1984

9:30 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Education)	Senate Majority Caucus Room
10:00 A.M.	Act 195 Task Force (to consider what should be done once a strike occurs including legislation to require compliance with certain criteria prior to a strike, to expand who may seek a court injunction, to define what constitutes a danger to the public health and welfare, to impose strike penalties and to suspend the 180 day rule)	Room 461, 4th Floor Conference Rm., North Wing
2:00 P.M.	APPROPRIATIONS (Budget Hearing with the State System of Higher Education)	Senate Majority Caucus Room
7:00 P.M. to 9:30 P.M.	URBAN AFFAIRS AND HOUSING (Public Hearing on Senate Bill No. 1235)	Zion Educational Annex, 3601 N. Broad Street, Philadelphia

## 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
11:30 A.M.	Subcommittee of JUDICIARY (to consider Senate Bills No. 924, 1007 and Crime Commission Legislation)	Room 459, 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
7:00 P.M.	URBAN AFFAIRS AND to HOUSING (Public Hearing on Senate Bill No. 1229)	Berean Institute 1901 W. Girard Ave. Philadelphia

## 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 (Budget Hearing with the Department of Aging)	Senate Majority Caucus Room

## WEDNESDAY, MARCH 14, 1984

9:00 A.M.	APPROPRIATIONS (Budget Hearing with the Department of Environmental Resources)	Senate Majority Caucus Room
11:00 A.M.	Public Employee Retire- ment Study Commission	Room 459, 4th Floor Conference Rm., North Wing
1:00 P.M.	APPROPRIATIONS (Budget Hearing with the Pa. Historical and Museum Commission)	Senate Majority Caucus Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing with the Pennsylvania State Police)	Senate Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing with the Department of Commerce)	Senate Majority Caucus Room

## THURSDAY, MARCH 15, 1984

9:00 A.M.	APPROPRIATIONS (Budget Hearing with the Public Utility Commission)	Senate Majority Caucus Room
11:00 A.M.	APPROPRIATIONS (Budget Hearing with the Auditor General)	Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing with the Treasury)	Senate Majority Caucus Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing with the Department of Community Affairs)	Senate Majority Caucus Room
2:30 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.

**ADJOURNMENT**

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Tuesday, February 28, 1984, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:13 p.m., Eastern Standard Time.