

Legislative Journal

MONDAY, MARCH 26, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 19

SENATE

MONDAY, March 26, 1984.

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

The PRESIDING OFFICER (William J. Moore) in the Chair.

PRAYER

The Chaplain, the Reverend Mr. LOUIS LaGATTA, Pastor of the Christian Assembly Church, New Castle, offered the following prayer:

Shall we pray.

Our most Heavenly Father, we approach Your throne at this time with grateful hearts. We thank You for Your creation and we thank You for eternal life that was given to us through Your Son on the cross.

Lord, as these individuals who are responsible for the welfare of each Member and each person of the State of Pennsylvania, as they make their decisions, we ask You, Lord, that You may guide them and direct them. May they lift up their eyes unto the hills from whence cometh the help; their help cometh from the Lord.

We thank You, Father, that we can begin this Session by recognizing You. In Your precious name, we ask all these things. Amen.

The PRESIDING OFFICER. The Chair thanks the Reverend Mr. LaGatta who is the guest this week of Senator Shaffer.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 20, 1984.

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

LEGISLATIVE LEAVES

Senator SCANLON. Mr. President, I am requesting a Capitol legislative leave of absence for Senator Stout who is meeting with constituents in the Capitol area. I also request a Capitol legislative leave of absence for Senator Zemprelli who is meeting with constituents on legislative matters in his office.

The PRESIDING OFFICER. The Chair hears no objection and the leaves are granted.

LEAVE OF ABSENCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDING OFFICER 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 ARCHITECTS LICENSURE BOARD

March 21, 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 Stephen B. Hazzard, A.I.A., Box 10, Warrington 18976, Bucks County, Tenth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond the expiration of such term, vice Carl J. Schmitt, Jr., A.I.A., Wilkes-Barre, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS

March 21, 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 Raymond M. Best, 30 Timber Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, to serve for a term of six years, or until his successor has been appointed and qualified, but not longer than six months beyond the six-year period, vice Donald C. Peters, Wexford, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS**

March 21, 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 John J. Levkusic, P. O. Box 1223, R. D. 1, Hillside, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, to serve for a term of six years, or until his successor has been appointed and qualified, but not longer than six months beyond the six-year period, vice Joseph A. Talvacchio, Philadelphia, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE COUNCIL OF TRUSTEES
OF LOCK HAVEN UNIVERSITY
OF PENNSYLVANIA OF THE
STATE SYSTEM OF HIGHER EDUCATION**

March 21, 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 James M. Huber, 113 Shannon Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve for three years or for so long as he is a full-time undergraduate student in attendance at the college, whichever period is shorter, vice John W. Stemler, Bowmanstown, graduated.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS**

March 21, 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 Lelia T. Allen, 6842 McPherson Boulevard, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, to fill a new position, pursuant to Act 84, approved December 22, 1983.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS**

March 21, 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 Larry Koup, 187 North Harrisburg Street, Oberlin 17113, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, to fill a new position, pursuant to Act 84, approved December 22, 1983.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS**

March 21, 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 Gene Lispi (New Car Dealer), 7 Crescent Drive, Riverview Terrace, Plains, Wilkes-Barre 18705, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond the expiration of his term.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS**

March 21, 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 Arthur Loch (Mobilehome Dealer), Loch's Mobilehome Sales and Park, 500 Madison Avenue, Hyde Crest, Reading 19601, Berks County, Eleventh Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve three years from date of appointment, and until his successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS**

March 21, 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 James G. Matthews (New Car Dealer), 31 Wistar Road, Paoli 19301, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond the expiration of his term.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS

March 21, 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 Glenn E. Mellott (Recreational Dealer), R. D. 2, Willow Street 17584, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond the expiration of his term, pursuant to Act 84, approved December 22, 1983.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS

March 21, 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 D. Williams (Used Car Dealer), Box 77, R. D. 6, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond the expiration of his term, pursuant to Act 84, approved December 22, 1983.

DICK THORNBURGH.

RECALL COMMUNICATION
REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER

March 21, 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 March 9, 1984 for the appointment of Francis L. Sutton, 1018 Club Drive, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Frank M. Miller, Johnstown, resigned.

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

DICK THORNBURGH.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 437**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. The bill, as amended, will be placed on the Calendar.

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:

March 21, 1984

HB 1634 — Committee on Law and Justice.

HB 1887 — Committee on Game and Fisheries.

March 26, 1984

HB 1605, 1711 and 1781 — Committee on Military and Veterans Affairs.

HB 1848 and 1851 — Committee on Consumer Protection and Professional Licensure.

HB 1939 — Committee on Banking and Insurance.

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:

March 21, 1984

House Concurrent Resolution No. 184 — Committee on Labor and Industry.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

March 21, 1984

Senators SINGEL, SCANLON, REIBMAN, O'CONNELL, O'PAKE and KELLEY presented to the Chair **SB 1303**, entitled:

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), entitled "Pennsylvania Industrial Development Authority Act," requiring the Authority to promulgate regulations for its operations.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, March 21, 1984.

Senators HOLL, JUBELIRER, ZEMPRELLI, KUSSE, WILT, FISHER, ROSS, SCANLON, LYNCH, HANKINS and O'PAKE presented to the Chair **SB 1304**, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for stock of subsidiary corporations, refunds of certain interest payments, lending limitations, fiduciary activities, corporate names, emergency acquisitions, independent audits of private banks and loans to executive officers and examinations by the Department of Banking; and making a repeal.

Which was committed to the Committee on BANKING AND INSURANCE, March 21, 1984.

Senators HOLL, JUBELIRER, ZEMPRELLI, KUSSE, WILT, FISHER, ROSS, SCANLON, LYNCH, HANKINS and O'PAKE presented to the Chair **SB 1305**, entitled:

An Act amending the act of May 15, 1933 (P. L. 565, No. 111), entitled "Department of Banking Code," easing restrictions on loans to clerical employees of the Department of Banking; and extending the examination period.

Which was committed to the Committee on BANKING AND INSURANCE, March 21, 1984.

March 26, 1984

Senators HOWARD, SNYDER, WENGER, BRIGHTBILL, SHUMAKER, HELFRICK, KELLEY and ANDREZESKI presented to the Chair **SB 1306**, entitled:

An Act amending the act of April 27, 1925 (P. L. 319, No. 180), entitled "An act relating to the destruction of cancelled or unused bonds or other evidences of indebtedness of this Commonwealth," further providing for the destruction of cancelled bonds or other evidences of indebtedness.

Which was committed to the Committee on FINANCE, March 26, 1984.

Senators BELL and STREET presented to the Chair **SB 1307**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," creating the Office of Consumer Advocate for Insurance; and prescribing its powers and duties.

Which was committed to the Committee on BANKING AND INSURANCE, March 26, 1984.

Senator GREENLEAF presented to the Chair **SB 1308**, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," further prohibiting discrimination because of age.

Which was committed to the Committee on LABOR AND INDUSTRY, March 26, 1984.

Senators LINCOLN, WILT, MELLOW, BRIGHTBILL, LLOYD, ROMANELLI, KUSSE, MUSTO, SINGEL, STAPLETON, KELLEY, ROCKS, ZEMPRELLI, O'CONNELL, HELFRICK, O'PAKE, LEWIS and ROSS presented to the Chair **SB 1309**, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "Surface Mining Conservation and Reclamation Act," providing for the re-mining of areas previously affected by mining.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 26, 1984.

Senators BODACK, EARLY and ANDREZESKI presented to the Chair **SB 1310**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for billing procedures.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 26, 1984.

Senators BODACK, EARLY and ANDREZESKI presented to the Chair **SB 1311**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for affirmative written consumer acceptance of certain services.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 26, 1984.

Senators FISHER, ANDREZESKI, RHOADES, WENGER, HELFRICK, KELLEY and HOPPER presented to the Chair **SB 1312**, entitled:

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act," further providing for voluntary mental health treatment and withdrawal from treatment.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 26, 1984.

Senators FISHER, SNYDER, ANDREZESKI, RHOADES, HELFRICK, KELLEY and HOPPER presented to the Chair **SB 1313**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," abolishing the Bureau of Correction; creating a department to be known as the Department of Corrections; and making related substantive and editorial changes.

Which was committed to the Committee on JUDICIARY, March 26, 1984.

Senators LOEPER, RHOADES, BELL and JUBELIRER presented to the Chair **SB 1314**, 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," expanding the schedule for property taxes and rent rebates.

Which was committed to the Committee on AGING AND YOUTH, March 26, 1984.

Senators HANKINS, STREET, O'PAKE, SNYDER, REIBMAN, ZEMPRELLI, O'CONNELL, BODACK, ROMANELLI, LINCOLN, EARLY, HELFRICK, BRIGHTBILL, KELLEY and ANDREZESKI presented to the Chair **SB 1315**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of graffiti vandalism.

Which was committed to the Committee on JUDICIARY, March 26, 1984.

RESOLUTION INTRODUCED AND REFERRED

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

March 26, 1984

**REQUESTING THE GOVERNOR TO DECLARE
A STATE OF EMERGENCY IN RESPONSE TO
THE SEVERE OUTBREAK OF GIARDIASIS
IN SEVERAL REGIONS OF THE
COMMONWEALTH OF PENNSYLVANIA**

Senators MELLOW, MUSTO and ZEMPRELLI offered the following resolution (**Senate Resolution No. 115**), which was read and referred to the Committee on Public Health and Welfare:

In the Senate, March 26, 1984.

A RESOLUTION

Requesting the Governor to declare a state of emergency in response to the severe outbreak of giardiasis in several regions of the Commonwealth of Pennsylvania.

WHEREAS, A severe outbreak of giardiasis, a waterborne parasitic disease, which affects the gastro-intestinal tract of humans, has, within the last five months, spread throughout the Commonwealth with substantial occurrences of the disease, with the potential of infecting in excess of 500,000 people, reported in the counties of Allegheny, Clearfield, Lackawanna, Luzerne and McKean; and

WHEREAS, This severe outbreak of giardiasis has caused great physiological stress and physical discomfort and inconvenience for the residents of those counties who are:

- (1) required to boil water to obtain pure water for consumption;
- (2) travel throughout the various communities to obtain pure water from public sources or purchase pure bottled water from outside sources;
- (3) to consult with physicians; and
- (4) expend sums of money to obtain medicine and medical treatment; and

WHEREAS, The municipalities within these counties, in an attempt to assist their residents, have expended large sums of money to cope with this emergency and secure on an ongoing basis, a supply of pure water for consumption; and

WHEREAS, The likelihood of this parasitic disease disappearing in the immediate future is extremely slim; therefore be it

RESOLVED, That the Senate respectfully request the Governor to declare the existence of a state of emergency in those counties affected by the giardiasis outbreak and direct the Pennsylvania Emergency Management Agency in cooperation with the Departments of Environmental Resources and Health to assist the various municipalities; determine the extent of the problem; obtain pure water supply sources and implement such long term solutions as are necessary to end permanently the occurrence of giardiasis; and be it further

RESOLVED, That this resolution, upon passage, be immediately transmitted to the Honorable Richard Thornburgh, Governor of Pennsylvania.

**ANNUAL REPORT OF THE
PUBLIC EMPLOYEE RETIREMENT
STUDY COMMISSION - ACT 293**

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

COMMONWEALTH OF PENNSYLVANIA
PUBLIC EMPLOYEE RETIREMENT
STUDY COMMISSION
Harrisburg
17120

March 20, 1984

The Honorable Henry G. Hager
President Pro Tempore
Senate of Pennsylvania
292 Main Capitol
Harrisburg, PA 17120

Dear Senator Hager:

There is a problem in the Commonwealth of Pennsylvania. It is a problem which has been documented in repeated Act 293 reports to the General Assembly and to the Governor issued since 1975. It is a problem for which the Commission was specifically directed to formulate legislative remedies during its first year of operation.

The legislative remedies recommended by the Commission were presented in a report to you in January of 1983 and introduced by the legislative members of the Commission as House Bill 857 and Senate Bill 546. I urge you, now, to aggressively support passage of these bills culminating the Commonwealth's long term effort to address the inequities and inadequacies in the funding of the more than 2,300 pension plans established by Pennsylvania municipalities.

The Commission's report on municipal pension plan data submitted pursuant to Act 293 of 1972, which accompanies this communication, shows that about one quarter of Pennsylvania's municipal pension plans are being funded substantially below the level necessary to meet minimum actuarial funding requirements. Contrary to popular belief, these substantial funding deficiencies are prevalent among pension plans in all municipal classifications. As a result, the total unfunded municipal debt attributable to employee pension plans has nearly tripled since 1974. That debt is estimated to currently exceed \$2.9 billion and continues to increase by \$150 million in each year that remedial action is not taken.

Because adherence to an actuarial funding standard is a basic principle of sound pension policy, the necessity for remedial action is apparent. Act 66 of 1981 directed the Commission to formulate proposed legislation establishing an actuarial funding standard for municipal pension plans in Pennsylvania. This legislation is now before you as House Bill 857 and Senate Bill 546. Enactment of this basic reform measure cannot be delayed. It is time for Pennsylvania to solve its municipal pension problem.

Sincerely,

GILMORE B. SEAVERS
Chairman

The PRESIDING OFFICER. This report will be filed in the Library.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, March 26, 1984.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, April 24, 1984 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Tuesday, April 24, 1984 unless sooner recalled by the Speaker.

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

On the question,
Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

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

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

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

YEAS—46

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

NAYS—0

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

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

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate, first, for the purposes of holding a brief meeting of the Committee on Rules and Executive Nominations in the Rules Committee room at the rear of the Senate Chamber. Immediately thereafter, Mr. President, I ask that Members of the Committee on Appropriations—I am making this announcement on behalf of the Chairman, Senator Tilghman—report to Room 461 for a meeting of that committee which had been scheduled to be held at 2:30 p.m. We will announce when the meeting of the Committee on Rules and

Executive Nominations is over so that the Committee on Appropriations may then convene.

Immediately thereafter, Mr. President, I ask the Members of the Republican caucus to report to the first floor caucus room for a meeting of the Republican caucus which I anticipate will take approximately an hour or so and we should be able to return to the floor at approximately 4:15 p.m. to conclude the business of the Calendar.

The PRESIDING OFFICER. Senator Jubelirer requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations immediately, to be followed by a meeting of the Committee on Appropriations in Room 461, to be followed by a Republican caucus with the expectation that we can return to the floor by 4:15 p.m.

Senator SCANLON. Mr. President, I am requesting the Members of the Democratic caucus to report to the Minority caucus room at 3:30 p.m.

Senator JUBELIRER. Mr. President, we join in that and ask the Members of the Republican caucus to report to the first floor caucus room at 3:30 p.m., and if there is any significant difference in that time, we would put out an announcement and I am sure Senator Scanlon would want to do the same thing.

The PRESIDING OFFICER. Senator Jubelirer requests a Republican caucus at 3:30 p.m. or as announced by the Chair. For the purpose of those requests, the Senate now stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 1448 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILLS OVER IN ORDER

HB 224 and **SB 277** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS OVER IN ORDER TEMPORARILY

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

BILL OVER IN ORDER

SB 934 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

HB 1448 CALLED UP

HB 1448 (Pr. No. 2679) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator JUBELIRER.

**BILL REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD
CONSIDERATION AMENDED**

HB 1448 (Pr. No. 2679) — 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; making editorial changes; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 12 (Sec. 604), page 27, lines 6 and 7, by striking out both of said lines

Amend Sec. 21, page 39, by inserting between lines 3 and 4:

(b) The provisions of sections 606 and 607 contained in section 14 shall take effect in one year.

Amend Sec. 21, page 39, line 4, by striking out "(B)" and inserting: (c)

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVES CANCELLED

Senator SCANLON. Mr. President, I would like to note the presence of Senator Stout and Senator Zemprelli on the floor, both of whom had previously been granted temporary Capitol leaves of absence.

The PRESIDING OFFICER. The record will reflect the fact that Senator Stout and Senator Zemprelli are present on the floor and voting.

And the question recurring,

Will the Senate agree to the amendment?

Senator SCANLON. Mr. President, I desire to interrogate the gentleman from Centre, Senator Corman.

The PRESIDING OFFICER. Will the gentleman from Centre, Senator Corman, permit himself to be interrogated?

Senator CORMAN. I will, Mr. President.

Senator SCANLON. Mr. President, would the gentleman from Centre, Senator Corman, like to explain the amendment before I make remarks?

The PRESIDING OFFICER. Senator Corman, Senator Scanlon wishes to know if you will explain your amendment.

Senator CORMAN. Yes, I will, Mr. President. The amendment might be broken into two parts. The first part deals with page 27, lines 6 and 7, by striking out both of those lines. In doing so, it removes a prohibition of a real estate office selling a property and charging only a minimum flat fee as opposed to a percentage. The reasoning for that is there are many low valued properties far removed from where an office might be located, and if the office cannot charge a negotiated reasonable fee for handling it, then there just would not be real estate services available to those people, keeping in mind that this is a negotiated fee so if the flat fee is excessive, obviously the person need not deal with that office.

The second portion of the amendment deals with page 39 where there are certain provisions in Section 606 and Section 607 that indicates must be included in future contracts when a property is listed, and because the offices have many, many forms already in print, they would like these sections not to be disagreed with but, in fact, permit them to use up their forms so this amendment would say that provisions of those sections would take effect in one year.

Senator SCANLON. Mr. President, is the amendment, as proposed in two parts, divisible?

Senator CORMAN. Mr. President, certainly.

Senator SCANLON. Mr. President, we have no problem with the first part of the amendment. In our caucus, Mr. President, we objected to postponing the requirements on certain consumer oriented notices on the forms for a year, and that is the only portion of the amendment to which the Democrats are objecting. If it is divisible, Mr. President, we would agree to the first part of the amendment.

The PRESIDING OFFICER. Is the gentleman, Senator Scanlon, asking for a division of the question?

QUESTION DIVIDED

Senator SCANLON. Mr. President, I move that the question be divided.

The PRESIDING OFFICER. It does not take a motion, Senator Scanlon, it is a matter of right. Will you please describe and tell the Chair the way you wish to divide the question?

Senator SCANLON. Mr. President, I would yield to the gentleman from Centre, Senator Corman, to explain the two parts of the amendment.

The PRESIDING OFFICER. Senator Scanlon yields to Senator Corman.

Senator CORMAN. Mr. President, the question I have is, if we decide to divide and vote the first section, is there room, then, to debate before we vote the second section?

The PRESIDING OFFICER. There is always room for debate, Senator Corman. There has been a request to divide the question. The Chair is not clear as to exactly how you would divide this question. Would you explain how you would divide the question?

Senator CORMAN. Mr. President, we are referring to which amendment?

The PRESIDING OFFICER. Amendment No. A0994.

Senator CORMAN. Yes, Mr. President, I would say that after the words, "...by striking out both of said lines" would be the place you would divide the issue. "Amend Section 12..., page 27, lines 6 and 7, by striking out both of said lines" would be the place to make the split.

The PRESIDING OFFICER. The question is divisible.

The Clerk read the amendment as follows:

Amend Sec. 12 (Sec. 604), page 27, lines 6 and 7, by striking out both of said lines

On the question,

Will the Senate agree to the amendment, as divided?

It was agreed to.

The PRESIDING OFFICER. The Senate now has before it the second part of the amendment offered by Senator Corman.

The Clerk read the amendment as follows:

Amend Sec. 21, page 39, by inserting between lines 3 and 4:

(b) The provisions of sections 606 and 607 contained in section 14 shall take effect in one year.

Amend Sec. 21, page 39, line 4, by striking out "(B)" and inserting: (c)

On the question,

Will the Senate agree to the amendment, as divided?

Senator CORMAN. Mr. President, if I may make a comment on the second portion, it is my understanding that many, many people have negotiated long hours over this particular piece of legislation, and it is very important that this piece of legislation pass this week because it contains Sunset provisions for the Real Estate Commission. This is an amendment that the prime sponsor of the legislation agrees to and, in fact, I gave both caucuses a letter from the prime sponsor indicating that he has no problem with either of these amendments.

What we are talking about in Section 606 is that we would say the amendment would go into effect one year after the passage of the legislation and that the broker would disclose to the seller a statement that the broker's commission in the time period for the listing is negotiable. Any contract is certainly negotiable as to both of those items. In fact, there have been several lawsuits filed against real estate boards when they indicate they only deal with one commission in the entire board so that every real estate office realizes their real estate commission is negotiable and, I believe, say so whenever they are listing a property. Apparently there is, however, a question concerning that issue and so this legislation states that it shall be in the future listing agreements that commission is negotiable. I do not think anyone who is in the business has any problem with putting it in. The only problem is the cost, and I am not sure how this is really going to save consumers that many dollars.

The second item is the statement indicating there is a Real Estate Recovery Fund and that must also be in the commission. I am not sure how many people know about it prior to getting involved in some problem that would make them a recipient to benefit from that recovery fund. I submit to you, Mr. President, if, in fact, a consumer has a property listed and has an involvement with a real estate office, it could make them a beneficiary of this fund. They would certainly become knowledgeable of the fund at that particular time. I think these are good items and I am not wanting to debate against the items. I agree with the items. My only problem is I would like this portion to go into effect one year from this time to permit all the forms that are currently being used in all the offices to be consumed and it is assumed that within one year they would be consumed and the offices would then be ready to have all of this information printed on their new forms.

Senator SCANLON. Mr. President, because we feel these are very fine inclusions in real estate contracts and we feel they should be in real estate contracts because they do inure to the benefit of the consumers, we insist they be in the contracts as of the effective date of this legislation. It appears to me—although I understand some real estate people buy forms by the thousands and they have them in storage—it would be a very simple matter to have mimeographed an addendum to be attached by a stapler to an agreement making known these disclosures to the consumers. To postpone this for one year appears to me to be a benefit only to the real estate agencies and not to the consumers. That is our only reason for objecting to it. We want it effective immediately upon the effective date of this act.

And the question recurring,

Will the Senate agree to the amendment, as divided?

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

YEAS—25

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

NAYS—23

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

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

The PRESIDING OFFICER. House Bill No. 1448, as amended, will go over temporarily.

BILLS ON THIRD CONSIDERATION AMENDED

SB 1100 (Pr. No. 1759) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, providing for selection of justices of the Supreme Court and judges of the Superior and Commonwealth Courts; and changing and adding other provisions relating to the Judiciary.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

JUBELIRER AMENDMENT I

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

Amend Title, page 1, lines 2 through 5, by striking out "providing for selection of justices of the" in line 2, all of lines 3 through 5 and inserting: changing provisions relating to judicial discipline, rulemaking, admission and supervision of the practice of law, conflicts of interest, financial disclosure, campaign financing, financial affairs of the judiciary, budgeting and audits.

Amend Bill, page 1, lines 10 through 18; page 2, lines 1 through 22, by striking out all of said lines on said pages

Amend Sec. 1, page 2, line 23, by striking out "(2)" and inserting: (1)

Amend Sec. 1, page 2, line 23, by striking out "12, 13, 14,"

Amend Bill, page 5, lines 16 through 30; pages 6 through 9, lines 1 through 30; page 10, lines 1 through 20, by striking out all of said lines on said pages

Amend Sec. 1, page 17, line 22, by striking out "(3)" and inserting: (2)

Amend Sec. 1, page 18, line 27, by striking out "(4)" and inserting: (3)

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 JUBELIRER. Mr. President, much has been said and written over the past few months about the urgency of restoring confidence in Pennsylvania's judiciary through the passage of a judiciary reform measure. Senate Bill No. 1100 was introduced as a proposed constitutional amendment.

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, I understood the Chair to say that the amendment was agreed to and now I understand the gentleman is discussing the merits of the amendment. What is its status?

The PRESIDING OFFICER. The gentleman's point is well taken. The Chair did say the amendment was agreed to. Senator Jubelirer, you can hold your statements until Petitions and Remonstrances. You may also move to reconsider, Senator Jubelirer.

Senator JUBELIRER. May we be at ease?

(The Senate was at ease.)

The PRESIDING OFFICER. The Chair reverses its decision by which the amendment was agreed to.

And the question recurring,

Will the Senate agree to the amendment?

Senator JUBELIRER. Mr. President, I think it is important that we establish what is happening here and the reasons why. There are a number of people I am sure who strongly support the merit selection procedure, I, being one of them. This amendment would remove the merit selection from the other part of it and I think I need to explain why.

As I said, Mr. President, much has been written about the urgency of restoring confidence in Pennsylvania's judiciary through passage of a judicial reform measure. Senate Bill No. 1100 was introduced as a proposed constitutional amendment, addressing both matters of judicial ethics and judicial selection. Our hope, Mr. President, has been to present to the voters of this Commonwealth a comprehensive judicial reform amendment for their approval or disapproval. Unfortunately, support for merit selection has not mounted as rapidly as it has for the other elements of Senate Bill No. 1100. Despite public support for merit selection and the efforts of a broad-based coalition of groups, Mr. President, as a pragmatic politician and joining with others who support merit selection, we concede there are not presently sufficient votes to secure passage of merit selection in the Senate nor do I foresee that that will take place in the near future. Given the critical need for adopting judicial ethics and discipline provisions and the time constraints, Mr. President, for advertising a proposed constitutional amendment, we could not risk losing these elements in an effort to generate support for merit selection.

Even without merit selection included, Senate Bill No. 1100 remains a significant step forward in our pursuit of an improved judicial system. It provides for a newly constituted judicial conduct board with expanded jurisdiction and power and without judicial dominance of its membership. It provides for requirement for opening of proceedings to the public for the first time. It provides prohibitions on judicial conflict of interest and requirement for financial disclosure as established by the General Assembly. It requires legislative review of judicial rules and regulations. It requires accountability in financial affairs.

Mr. President, I might add that separation of the issues does not effectively sound the death knell for merit selection. The issues and the problems which make merit selection a sound and necessary approach remain, so does the desire to present the question to the voters. Our commitment to merit selection has not diminished. It is our intention to resurrect Senate Bill No. 831, bring it in line with the state of the art thought on what would constitute the fairest and the most workable merit selection approach, and continue the education efforts needed to generate the support for passage. Supporters of merit selection throughout Pennsylvania are advised that the campaign has not ended but merely undergone a shift in direction.

Mr. President, as I said before, this is not an easy thing for me to do. In talking with the Chairman of the Committee on Judiciary, Senator Snyder, I am sure that he shares the pain which those of us who support this concept have at this time. But I think the bigger picture, the overriding issue on judicial reform in the ethics part of it, it would be irresponsible on our part if we were to insist that we fight for this part of it now. As I said, Mr. President, we have not stopped on the issue but we accept the pragmatic facts that the votes are just not there now. For that reason, Mr. President, I agreed to offer the amendment as I did.

Senator SCANLON. Mr. President, I do not mean to prolong the debate, but as I understand the Majority Leader's remarks, he stated or implied that there is a great public outcry somewhere in Pennsylvania for the merit selection of judges or used the words that there was a great amount of public support. As I understand the situation from polls conducted particularly by the Pittsburgh Post Gazette, the opposite is true. The people in Pennsylvania do not want taken away from them their right to select judges by voting.

Senator BELL. Mr. President, I think the issue is very well summed up by a statement from the Pennsylvania Catholic Conference which I read last week and I support that position. The position of the Catholic Conference is that we should educate our people how to vote, not take the vote away from them.

Senator ROCKS. Mr. President, I rise strongly in support of the amendment offered by the Majority Leader and never thought I would be so anxious to assist him in his retreat on what has been an issue that has now been discussed across the State of Pennsylvania. As a matter of fact, as Senate Bill No. 1100 has come to this floor with the inclusion of the merit selection, if you will, certainly the great debate has taken place across our state. I am very happy and proud to rise for the voters of the Commonwealth of Pennsylvania who today by the amendment of the gentleman from Blair, Senator Jubelirer, score a tremendous victory in having maintained their voice in the appellate courts of this Commonwealth, and I would hope that what is described as a possible temporary retreat by the Majority Leader as he describes a coalition of special interests that remain vitally interested in some merit selected process, maybe the continued victory will be for the passage of this amendment and for the voters of our state that they might be able to maintain their voice in the very critical issue of who decides who will be seated on the highest courts of this state.

I concur fully with the Republican Leader of the Senate that there is a tremendous need for the overriding issue of judicial reform and look forward, along with him, to addressing other provisions in this bill, but I stand today to strongly support his amendment which, thanks for particularly every voter in this state, strips out of Senate Bill No. 1100 any provision of blue ribbon or merit selected processes that might take away from them their right to have a voice in who is seated on the appellate courts of the Commonwealth.

Senator WILLIAMS. Mr. President, I, too, rise because I am very happy at the remarks of the gentleman, the Majority Leader. I am reminded today, Mr. President, of a recent program in which they were surveying the input and commentary of the average American as they are so wont to do. This program asked the American people one by one what they thought of whether or not the President should take the troops out of Provolone. Of course—the commentary is a true story—some people said the President should take them out of Provolone and some people thought the President should not take them out of Provolone and some people thought it was too early to judge. If you have not seen that program, that was real life about Provolone.

The point is, Mr. President, I am happy because the people of Pennsylvania in this great debate that called a lot of high officed people to say what they should have, including people who got elected to these offices who changed their positions, and many of us realized that Pennsylvanians really did not understand that their right to select and elect was to be taken away from them and where it was obvious that the basis for this taking away was because we and some other people said Pennsylvanians are unintelligent, they do not know how to vote, therefore, they put people into offices who are picked by czars and politicians. That is sort of contradictory because it says a few people should take and decide for them. I am happy because somewhere along the line it was learned by our people that they were being judged as uneducated and uninformed when it came to selecting judges, although they could select everyone else.

Now I sort of know what Martin Luther King was getting at when he repeated that he had a dream and he talked about sons of slaves and sons of former slaves and he talked about the red hills of America and all of that, and then he described our country and all of those concepts so well but he was really saying that if we could ever get our people educated, we would go beyond those prejudices that sometimes make America ugly when it should be beautiful.

I am happy that a basic right was protected and retained and I suggest to the Majority Leader that his comments on what is needed in one-half of this bill is rightly so. I congratulate him for his confession or concession, or whatever you call it, but to suggest that some of us, Mr. President, feel that it is a recognition, a significant recognition, of the resurgence of the basic intelligence of Pennsylvanians, an expression of their extreme concern that they can select intelligently and ever so well. That is why I am ever so happy and I thank the Majority Leader and I thank the President and I thank this Body for this very, very fine victory.

Senator FUMO. Mr. President, I rise, too, to support the amendment and I would like to say, however, that I regret, that because of this, this has muted the debate on elitist selection. I, too, have been in the forefront of battling this concept from its very beginning, and I agree with the Majority Leader that there is some need for judicial reform in the way in which we select our judges. That is why a number of months ago I introduced a package of bills which would rotate the ballot

positions, eliminate the county designations for appellate judges, eliminate crossfiling and increase other—

POINT OF ORDER

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

The PRESIDING OFFICER. The gentleman from Blair, Senator Jubelirer, will state it.

Senator JUBELIRER. Mr. President, the gentleman is out of order. This is not relevant. What he introduced in some other bill is not relevant. This amendment deletes a section from Senate Bill No. 1100, that is all it does. I do not think we should have to listen to this.

The PRESIDING OFFICER. The point of order is well taken, Senator Jubelirer. Senator Fumo, will you confine your remarks to the amendment.

Senator FUMO. Mr. President, I will yield to the Chair, but I would like to remind the Majority Leader that we afforded him the luxury of explaining the entire piece of legislation when he offered his amendment about all the other wonderful things in it.

Mr. President, getting back to the amendment itself, I am very glad the Majority Leader has learned that the people of Pennsylvania have expressed their anger at this type of legislation and he has seen the light that the votes are not there and the people are not as dumb as he may have thought they were in the very beginning when the legislation was introduced. I applaud him for receding from his position for whatever motive, but I would very much like to debate the issue some day and I look forward to working with him on meaningful judicial reform, but not on elitist selection.

Senator TILGHMAN. Mr. President, as the gentleman from Blair, Senator Jubelirer, said, parts of this piece of legislation are of constitutional importance and I support them. I do not support the amendment. I have not had one letter from my district or any other part of the state opposing merit selection of some of our judiciary. I think some of our courts are the laughing stock of the eastern coast and I would like to see that changed. I am not going to ask for a roll call vote on this amendment but were there a roll call vote, I would vote in the negative.

Senator SNYDER. Mr. President, there is one rather basic fact here that I think the Chamber has overlooked—or at least many of the speakers have so far—and that is we are not taking anything from the people if we should pass the first half of this amendment. We are merely giving the people the right to decide whether they want to change their method of choosing judges. We heard enough complaints last year when there was a whole laundry list of candidates, thirty-one candidates, for nine places, and I daresay very few of the Members of this Body could name even half of the people that were elected last year. We do not want that sort of nightmare again. In all of this speaking about shall we take from the people the right to vote for their judges, if the people do not want it taken from them, they can very well vote in the referendum which is necessary before the law can be changed in that regard.

I think I should respond to the gentleman from Allegheny, Senator Scanlon, who would, perhaps, have us think that there was no impetus for the change. The answer is we had six hearings over the state, including one in his own city, at which very responsible members of the bench and bar all testified that some change is needed. We had the testimony of his own county bar, speaking through their board of governors, we had the testimony of the Pennsylvania bar and the Philadelphia bar, all speaking in favor of change. We have had, in one way or another, spokesmen from such groups as the Economy League, the League of Women Voters, Common Cause, the Pennsylvania Medical Society, the Council of Churches and others. To pick this as a great ground swell of opposition is certainly not the fact. There are, at any rate, two sides to this even though there may not be the votes in the Body at this time to enact anything like that.

I also think it should be said with respect to the poll that the Post Gazette ran—I did not see it—the Post Gazette itself was not convinced by its own poll that this was the thing to do, and there has been very substantial editorial support over the state. I think this, too, should be reckoned with. Basically, the whole thing boils down to whether Pennsylvania has the quality of justice it should have for a big industrial state or, indeed, for any state. I think we have to answer “no” at the moment. I am hopeful that we can put before this Body, before the end of the year, a measure which will meet general approval in that regard. For the present, as the Majority Leader has well said, we are probably well advised to vote for the amendment.

Senator WILLIAMS. Mr. President, I want to make one comment because of the last speaker's offering. The bottom line of this proposition and the reason we are taking away a right or propose to do so is based on the idea that the people do not have enough information or are not informed enough or are not intelligent enough to vote for their own judges. Yet, we proposed a constitutional amendment so that they, the same uninformed, ignorant people, can intelligently decide on whether or not they should vote or someone else should pick for them. The fallacy and the force of that argument, I think more so than editorial writings, are what people are beginning to understand, that the proposition is based on the fact they are not intelligent enough to vote, and that they are intelligent enough to vote on the fact of taking their right away from them. I think that is what is wrong in the argument. I think that has caught up with the proposition in Pennsylvania.

I just want to end by saying that I differ with the gentleman on the quality of justice in Pennsylvania, although I think there is a long way for us to go from what I have seen. I think Pennsylvania does, indeed, rank high throughout our country. All of us have a long way to go, but I do not think Pennsylvania stands out as a bad quality of justice by itself, and so-called merit selection or what we call substituting the right of a few people to judge for many, certainly, is no solution to what we need to improve the quality of justice.

Senator O'CONNELL. Mr. President, I rise in support of the amendment. For a long time I have been an outspoken

opponent of the concept of merit selection and I am really pleased this course of action is being pursued because in my judgment it does several things. If I had an opportunity to vote, I would vote in favor of the amendment in an affirmative way. However, people in my district are really calling out for judicial reform. They are appalled at some of the recent happenings in the judicial system. I am pleased to have an opportunity to vote on the remaining section of that bill because in the northeastern part of the state, in the area that I represent, there is an outpouring of support for judicial reform, so I am pleased with this course of action.

And the question recurring,
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?

JUBELIRER AMENDMENT II

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

Amend Sec. 1 (Sec. 17), page 11, line 28, by striking out "meet" and inserting: comply with

Amend Sec. 1 (Sec. 18), page 15, line 22, by striking out "Supreme Court" and inserting: board

Amend Sec. 1 (Sec. 18), page 16, line 9, by striking out "CHIEF JUSTICE" and inserting: Court Administrator

Amend Sec. 1 (Sec. 18), page 16, line 29, by striking out "Supreme Court" and inserting: board

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

JUBELIRER AMENDMENT III

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

Amend Sec. 1 (Sec. 10), page 3, line 30, by inserting after "order": in whole or in part

On the question,
Will the Senate agree to the amendment?
It was agreed to.

The PRESIDING OFFICER. Senate Bill No. 1100 will go over, as amended.

SB 1200 (Pr. No. 1767) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," rewording definitions; increasing the level of loss reimbursement; and further providing for State appropriation for subsidies for local transportation organizations or companies.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 202), page 2, line 19, by inserting after "passengers.": With regard to the calculation of average fare or base fare for the reimbursement of losses resulting from free service to senior citizens authorized by this act, the Department of Transportation shall not differentiate between services provided by any agency for any reason.

Amend Sec. 2 (Sec. 203), page 3, line 14, by striking out "INCLUDING transfers,"

Amend Sec. 2 (Sec. 203), page 3, line 23, by inserting after "1980.]:" Notwithstanding the foregoing, the department shall, with the approval of the Governor's Office of the Budget, reimburse transportation companies or local transportation organizations for all or a portion of losses resulting from senior citizen transfer trips, incurred under the conditions of this subsection. In fiscal year 1983-1984, such reimbursement shall be sixty percent of the losses incurred resulting from senior citizens transfer trips. Reimbursement for such losses in fiscal year 1984-1985 shall be at least sixty percent of such losses, and in fiscal year 1985-1986 and thereafter, reimbursement shall be one hundred percent of such losses.

Amend Sec. 2 (Sec. 204), page 4, lines 4 through 8, by striking out "In the" in line 4, all of lines 5 through 7, and "in accordance with subsection (c)(1)." in line 8

Amend Bill, page 8, by inserting between lines 4 and 5:

Section 3. Section 406(c) of the act, added July 10, 1980 (P.L.427, No.101), is amended to read:

Section 406. Demand Response Entitlement Grants.—***

(c) Upon the termination of the fiscal year 1981-1982, no further grants shall be made directly to the counties under this paragraph: Provided, however, That no county receiving a fiscal year grant under this paragraph shall forfeit such grant or be denied subsequent fiscal year grants solely on the basis that the county has failed within either the fiscal year 1980-1981 or 1981-1982 to fully and completely implement its transit system for the elderly, it being the intent of the General Assembly to provide each county five years from the effective date of this act in which to phase in and make operational some type of transit system for the elderly. In the event that any county fails within such five years to provide some type of an operational transit system for the elderly, any unspent and unencumbered grant moneys made to the counties for the fiscal years 1980-1981 or 1981-1982 shall be returned through the Department of Transportation for deposit in the State Lottery Fund for use in the grant program provided in section 203(5) or for other senior citizens programs. For the 1984-1985 fiscal year and every year thereafter all counties except counties of the first and second class shall be entitled to grants from the State Lottery Fund for the purpose of replacing and/or upgrading equipment for reduced fare demand response service. The amount entitled to all counties and to be granted by the department shall not exceed \$2,300,000. The amount entitled to any county shall not be more than \$150,000 for each fiscal year. The department may require the counties to coordinate the acquisition of equipment through a Statewide purchase program should the department find such a program to be cost efficient.

Amend Sec. 3, page 8, line 5, by striking out "3" and inserting:
4

Amend Bill, page 4, lines 12 through 14, by striking out all of said lines and inserting:

Section 5. (a) Section 3 of this act shall take effect July 1, 1984.

(b) The remainder of this act shall take effect immediately and shall apply to the 1983-1984 fiscal year and to each fiscal year thereafter.

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

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

YEAS—45

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

NAYS—3

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

The PRESIDING OFFICER. Senate Bill No. 1200 will go over, as amended.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1239 (Pr. No. 1826) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining hazardous material; providing for the effect of amendments to Federal regulations; repealing the penalty for violating Federal law when driving a vehicle; providing for the transportation of hazardous materials; and making a repeal.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEAS—48

Andrezeski	Holl	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
Hankins	Lloyd	Ross	Williams
Helfrick	Loeper	Scanlon	Wilt
Hess	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 present said bill to the House of Representatives for concurrence.

HB 712 CALLED UP

HB 712 (Pr. No. 794) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

HB 712 (Pr. No. 794) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,
Will the Senate agree to the bill on third consideration?
Senator CORMAN, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 1503), page 1, line 18, by inserting after "book": capable of being permanently sealed

Amend Sec. 1 (Sec. 1503), page 2, line 1, by inserting after "pages": with a security code printed thereon and a permanent locking device

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 CORMAN.

HB 713 CALLED UP

HB 713 (Pr. No. 795) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

HB 713 (Pr. No. 795) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,
Will the Senate agree to the bill on third consideration?
Senator CORMAN, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 513.1), page 1, line 18, by inserting after "book": capable of being permanently sealed

Amend Sec. 1 (Sec. 513.1), page 2, line 1, by inserting after "pages": with a security code printed thereon and a permanent locking device

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 CORMAN.

HB 714 CALLED UP

HB 714 (Pr. No. 796) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

HB 714 (Pr. No. 796) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 1009), page 1, line 17, by inserting after "book": capable of being permanently sealed

Amend Sec. 1 (Sec. 1009), page 1, line 18, by inserting after "pages": with a security code printed thereon and a permanent locking device

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over at the request of Senator CORMAN.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION AMENDED

SB 67 (Pr. No. 1804) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring a ban on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; and establishing penalties.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 3, page 2, line 22, by striking out "system" where it appears the second time and inserting: wastewater system or any part of a wastewater system consisting

Amend Sec. 3, page 3, lines 11 through 21, by striking out all of said lines and inserting:

"Restricted chemical material." A chemical material containing concentrations in excess of one part per hundred, by weight of:

(1) any halogenated hydrocarbon chemical, aliphatic or aromatic, including but not limited to, trichloroethane, trichloroethylene, tetrachloroethylene, methylene chloride, halogenated benzenes and carbon tetrachloride;

(2) an aromatic hydrocarbon chemical, including, but not limited to, benzene, toluene and naphthalene;

(3) a phenol derivative in which a hydroxy group and two or more halogen atoms are bonded directly to a six-carbon aromatic ring, including, but not limited to, trichlorophenol or pentachlorophenol; or

(4) acrolein, acrylonitrile or benzidine.

The term does not include perfumes, coloring agents or any chemical material which is biodegradable and not a significant source of contamination of the groundwaters of this Commonwealth.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 664 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

PREFERRED APPROPRIATION BILLS OVER IN ORDER

HB 1919 and **1920** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 250 (Pr. No. 269) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to the protection of the abused, neglected, exploited or abandoned elderly; establishing a uniform State wide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of the elderly; and providing protective services.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 4, by striking out "and"

Amend Title, page 1, line 5, by removing the period after "services" and inserting: ; providing for funding; and making repeals.

Amend Sec. 2, page 2, line 12, by striking out "or willful forsaking"

Amend Sec. 2, page 2, line 27, by striking out "for the care of an elderly person, either:" and inserting: for the provision of care needed to maintain the physical or mental health of the elderly person. This responsibility may arise:

Amend Sec. 2, page 3, line 3, by striking out "Comprehensive geriatric" and inserting: Client

Amend Sec. 2, page 3, lines 9 through 15, by striking out "The illegal or improper act or process of" in line 9 and all of lines 10 through 15 and inserting: An act or course of conduct by a caretaker or other person against an elderly person or an elderly person's resources, without the consent of the elderly person or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the caretaker or a substantial monetary or personal loss to the elderly person.

Amend Sec. 2, page 4, line 4, by inserting after "abandonment.": Surrogate services are those services performed on behalf of an elderly person, such as acting as a protective payee, or those services commonly performed under the provisions of a power of attorney, even when such power is not formally executed. Such services shall not be provided without the person's consent except as provided in this act.

Amend Sec. 4, page 5, lines 9 and 10, by striking out "designate a person to"

Amend Sec. 4, page 5, line 10, by striking out "fully"

Amend Sec. 4, page 5, lines 18 and 19, by striking out "The investigation shall be initiated within three" in line 18 and all of line 19 and inserting: The investigation shall be initiated as determined by regulations issued by the department, but in no case later than within three working days of receipt of the report.

Amend Sec. 4, page 5, line 27, by striking out "Comprehensive" and inserting: Client

Amend Sec. 4, page 5, lines 28 and 29, by striking out "comprehensive geriatric assessment." and inserting: client assessment if the elderly person consents to such an assessment.

Amend Sec. 5, page 6, line 21, by striking out "written or verbal"

Amend Sec. 5, page 6, line 22, by inserting after "person": or the guardian for an incompetent individual

Amend Sec. 5, page 6, line 23, by striking out "designated court for" and inserting: court of common pleas for and the court may issue

Amend Sec. 5, page 6, lines 27 through 30; page 7, lines 1 through 14, by striking out all of said lines on said pages and inserting:

(1) A report of alleged abuse, neglect, abandonment or exploitation has been filed with the agency.

(2) The agency, based on its evaluation of the report, has found probable cause to believe that the report is valid and justified further investigation.

(3) The records requested by the agency are essential to a proper investigation of the report and to prevent future abuse, neglect, abandonment or exploitation of the elderly person.

(b) Access for purposes of client assessment and service plan.—Following a finding that an elderly person has been abused, neglected, abandoned or exploited, the agency shall have access to all relevant records required to perform a client assessment and develop a service plan. If access to records is denied, the agency may petition the court of common pleas for and the court may issue an order enjoining the keeper of relevant records from preventing inspection of the records by the agency, if the agency demonstrates that the:

(1) Records are necessary for an appropriate client assessment or to develop a service plan.

(2) Completion of a client assessment and the development of a service plan is necessary to prevent immediate danger of further abuse, neglect or exploitation of the elderly person.

(c) Denial of access by elderly person.—If the elderly person who is subject of a report, assessment or service plan denies the agency access to records, the agency may petition the court of common pleas for and the court may issue an order to mandate production of the records, if the agency demonstrates that the

elderly person is denying access to records because of coercion, extortion or justifiable fear of future abuse, neglect or exploitation.

(d) Information not to be disclosed.—Confidential information discovered in the course of completing the report investigation, the client assessment or the service plan shall not be disclosed to anyone outside the agency or its designated service providers, except to a court of competent jurisdiction or pursuant to a court order.

(e) Access to certain records.—In the course of investigating a report of criminal conduct pursuant to section 4(d), law enforcement officials shall have access to all relevant records maintained by the agency.

Amend Sec. 6, page 7, line 18, by striking out "comprehensive geriatric" and inserting: client

Amend Sec. 6, page 7, lines 19 through 21, by striking out "for available services which are reasonable" in line 19, all of line 20 and "protective services provider" in line 21 and inserting: services which are necessary to reduce or eliminate abuse, neglect, exploitation or abandonment and which are available within existing resources through a protective services

Amend Sec. 6, page 8, line 11, by striking out "investigate or"

Amend Sec. 6, page 8, line 15, by striking out "investigation or the"

Amend Sec. 7, page 9, line 9, by inserting a period after "provider"

Amend Sec. 7, page 9, lines 9 through 12, by striking out "and submitted to" in line 9, all of lines 10 and 11 and "findings shall be stated in the record." in line 12

Amend Sec. 7, page 10, line 10, by inserting after "pay": or otherwise is required by law to pay

Amend Sec. 8, page 10, line 15, by striking out "next" and inserting: third following

Amend Sec. 8, page 12, line 9, by striking out "the court" and inserting: a judge of a court of common pleas

Amend Sec. 8, page 12, lines 10 and 11, by striking out "from the close of business to the resumption of business of the next court day"

Amend Bill, page 13, by inserting between lines 4 and 5:

Section 9. Financial obligations; liabilities and payments.

All individuals receiving services and all agencies providing services pursuant to this act shall comply with the following provisions regarding the liability for the payment of such services:

(1) All persons receiving care or treatment for mental disabilities, or drug and alcohol abuse and dependence, shall be subject to the provisions of Article V of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the Mental Health and Mental Retardation Act of 1966, insofar as it relates to liabilities and payments for services rendered.

(2) All persons requiring medical assistance, money, services, goods, shelter, nursing home care, general assistance or home health care services, through the Department of Public Welfare or its designated service providers, shall be subject to the provisions of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(3) For all services other than conducting investigations of reported abuse, preparing geriatric assessments and service plans and providing emergency involuntary intervention, and those covered by paragraphs (1) and (2), an agency shall not expend public funds under this act on behalf of an elderly person until such person shall have exhausted his eligibility and receipt of benefits under all other existing or future private, public, local, State or Federal programs. Any agency directly providing services shall do so to the fullest possible extent with other local, State and Federal programs and shall not duplicate any existing services or programs provided by other agencies and available to the elderly.

(4) The obligation of the Commonwealth and the counties to provide funds to the department or any agency for services provided pursuant to this act shall be entirely discharged by the appropriations made to the department or any agency. No action at law or equity shall be instituted in any court to mandate the department, any agency, county or the Commonwealth to provide benefits or services under this act for which appropriations from the Commonwealth or counties are not available.

(5) Notwithstanding any provision of this section, no fee for service or charge shall be mandatorily imposed upon any service provided by an agency pursuant to the Older Americans Act (42 U.S.C. § 3001 et seq.), for which Federal law prohibits the imposition of a fee as a condition for the receipt of Federal funds.

Amend Sec. 9, page 13, line 5, by striking out "9" and inserting: 10

Amend Sec. 9, page 13, line 11, by striking out "authority" and inserting: and according to the provisions

Amend Sec. 10, page 13, line 12, by striking out "10" and inserting: 11

Amend Sec. 11, page 13, line 18, by striking out "11" and inserting: 12

Amend Sec. 11, page 13, line 26, by striking out "six" and inserting: 12

Amend Bill, page 13, by inserting after line 30:

Section 13. Funds for payment of administration of act.

Funds necessary to administer this act shall be paid from the State Lottery Fund established by the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law and the necessary funds are hereby appropriated from the State Lottery Fund to the Department of Aging.

Amend Sec. 12, page 14, line 1, by striking out "12" and inserting: 14

Amend Sec. 12, page 14, by inserting between lines 1 and 2:

(a) Specific act.—The provisions of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, relating to disposition of moneys received from the operation of the State Lottery are repealed insofar as they are inconsistent with the provisions of this act.

Amend Sec. 12, page 14, line 2, by inserting before "All":

(b) General repeal.—

Amend Sec. 12, page 14, line 2, by inserting after "All: other

Amend Sec. 13, page 14, line 4, by striking out "13" and inserting: 15

On the question,

Will the Senate agree to the amendment?

Senator LLOYD. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDING OFFICER. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator LLOYD. Mr. President, would the gentleman outline for the Members of the Senate the essential elements of the amendment and how it effects Senate Bill No. 250 in its present form?

Senator LOEPER. Yes, Mr. President. Essentially there are three components to the amendment that I have offered. The first component deals with access to records and that the access to records has been a problem in some cases where protective services have been needed. What this part of the

amendment tries to do is to include language to insure that access to the records can be granted by the court for specific purposes while additionally guaranteeing the rights of the elderly person to maintain privacy and confidentiality.

The second part, as concern has been expressed that this action not result in higher costs for service delivery, is to be a vehicle for provision of unnecessary services or allow costs appropriately borne by other agencies to be shifted to the aging services system.

Language has been included in the amendment to try and clarify the purpose of the act and its limits and specific provisions for financial obligations of clients in the various health and social services have been inserted in a new section.

Thirdly, many nonsubstantive changes including reasonable extension of time to implement the act, reasonable lengthening of time frames for action by the agency and clarifying language in the definitions, so they are basically the three components that are included in the amendment.

Senator LLOYD. Mr. President, would the gentleman from Delaware, Senator Loeper, review the implications in Section 4 on page 5 of the amendment which indicates the obligation or lack thereof of the Commonwealth regarding this legislation?

Senator LOEPER. Mr. President, it is my understanding that this section would deal with whether the legislation would become an entitlement program or not. There was some concern expressed particularly by the county associations of the funding mechanism for this type program. Language has been included in this amendment to indicate that the funding stream for the program would be through the Lottery Fund.

Senator LLOYD. Mr. President, would the gentleman indicate how much money from the lottery would be anticipated to be used for this program?

Senator LOEPER. Mr. President, I do not have that figure available.

Senator LLOYD. Mr. President, I would like to thank the gentleman for his remarks and I would like to continue comment on the amendment, if I may.

Again, I want to express my thanks to the gentleman from Delaware, Senator Loeper, who has done a great deal of work on this legislation.

Mr. President, there are a couple of points of concern with regard to the amendment we have before us that should be noted for the record at least. The gentleman has outlined the impact of Section 4, page 5 of the amendment which states, "The obligation of the Commonwealth and the counties to provide funds to the department or any agency for services provided pursuant to this act shall be entirely discharged by the appropriations made to the department or any agency. No action at law or equity shall be instituted in any court to mandate the department, any agency, county or the Commonwealth to provide benefits or services under this act for which appropriations from the Commonwealth or counties are not available." The amendment further goes on to indicate that funding for Senate Bill No. 250 would come from the lottery. According to the research that our office has

done, it would cost about \$1.9 million as close as anyone can anticipate in year one for lottery money for the first full year of operation. This cost estimate is based on one new position at each of the forty-seven area agencies on aging at approximately \$40,000 per position for salaries, benefits and operating costs.

There are two questions that are brought into focus here, Mr. President. One is, what is the responsibility of the Commonwealth once we ultimately are to pass this legislation to meet its mandate and, secondly, what would be the source of funding for that mandate? I simply point out that these are two areas of concern that must be dealt with in a broader context, specifically with regard to how we are going to use lottery monies, whether or not the \$1.9 million in lottery money that would be used to fund Senate Bill No. 250 would be potentially adversely affected by the use of lottery money for General Fund purposes. So, Mr. President, I point out these potential pitfalls and say that I think we should vote for the amendment of the gentleman from Delaware, Senator Loeper, with reservation and with a sense of perspective that if we do not protect lottery money for services directly to the elderly, services like those that are outlined in this legislation, we will be unable to fund programs that this General Assembly is designing.

Mr. President, I thank you and I, again, urge a "yes" vote with reservation on the amendment before us.

Senator EARLY. Mr. President, I take an opposite point of view. I think the two areas that my colleague has just mentioned, one, the funding, there is a specific sentence in the funding that side of the aisle has been trying to get in for some time and that is we will spend the money only to the extent that we have it to spend. Now, not that I think we should spend money we do not have, but I think this is an attempt for us as Legislators not to fund these programs that need funding and we could always use the rationale, well, we just did not have the money to spend. I think it is a dangerous precedent we are starting. It has been attempted in the past and, fortunately, this side of the aisle has always rebuffed that particular idea and we have not voted it.

Two, Mr. President, the money is taken from the lottery. I just wonder how far we are going to extend this lottery. Senior citizens do pay taxes in this state, but it seems to me that the idea has become contagious, that if it is a senior citizens program, raid the lottery. I think it is a dangerous precedent. I think you should not do it in this case and be careful of other legislation that we have coming down the aisle that is attempting to raid the lottery.

Senator LOEPER. Mr. President, I would just remind the gentleman who was the last speaker that this is the same bill that he already has voted on twice and that the use of lottery monies had been included on the last two occasions he had cast his vote on that legislation.

Senator EARLY. Mr. President, it is also the same bill that the gentleman had agreed to amendments for the last couple of weeks and then all of a sudden the amendment has changed. It is the same bill, I am well aware of that.

Senator LLOYD. Mr. President, the point of the gentleman from Allegheny, Senator Early, is very well taken here and I do not mean to demean it by any means in calling for an "aye" vote on this amendment. It is not appropriate at this time to discuss the far-reaching implications of the use of these lottery dollars. However, it is an issue that we should keep clearly before us and I ask for an "aye" vote on the amendment.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

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

Senator EARLY. Mr. President, I do not mind you taking a fast roll call provided you vote me in the negative. Just vote me in the negative. No, Mr. President, I do not mind you having a fast roll call and a fast gun up there, but—

The PRESIDING OFFICER. Senator Early, the record will reflect that you voted in the negative.

Senator EARLY. Mr. President, let us not get into this. I think my comments were certainly clear that I wanted to vote in the negative. Now, I have no problem with you taking a fast roll call but you certainly had no right to cast me in the affirmative.

The PRESIDING OFFICER. Are you asking for a slow roll call, Senator Early?

Senator EARLY. Mr. President, I did not want to but if that is how we have to rectify it, fine.

The PRESIDING OFFICER. The Chair reverses its decision that the amendment was agreed to.

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

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

YEAS—47

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

NAYS—1

Early

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?

It was agreed to.
 Ordered, To be printed on the Calendar for third consideration.

BILL ON SECOND CONSIDERATION

SB 336 (Pr. No. 1809) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the penalty for unauthorized parking in a space reserved for the handicapped from \$15 to \$40.

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

BILLS OVER IN ORDER

HB 502 and 504 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL LAID ON THE TABLE

HB 539 (Pr. No. 1899) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No.21), providing for early inspection and licensing at the option of personal care boarding homes; and further providing for costs for county and non-public nursing facilities.

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

PARLIAMENTARY INQUIRY

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

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Scanlon, will state it.

Senator SCANLON. Mr. President, would it not be in order to move to reconsider the vote by which House Bill No. 539 was laid upon the table?

The PRESIDING OFFICER. No, it would not, Senator Scanlon, it would be a procedural motion.

MOTION THAT BILL BE TAKEN FROM THE TABLE

Senator ROCKS. Mr. President, I move that House Bill No. 539 be taken off the table for the purpose of a very critical amendment.

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

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

YEAS—22

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

NAYS—26

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

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

The PRESIDING OFFICER. House Bill No. 539 will lie on the table.

BILLS OVER IN ORDER

HB 686, SB 926, 948, HB 962 and SB 988 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1083 (Pr. No. 1757) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for interference with custody of children.

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

BILL OVER IN ORDER

SB 1084 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1085 (Pr. No. 1758) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled "Credit Union Act," further providing for credit unions.

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

BILL OVER IN ORDER

SB 1151 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1153 (Pr. No. 1772) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further providing for deer-proof and elk-proof fences.

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

BILLS OVER IN ORDER

SB 1154 and 1155 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 1155 (Pr. No. 2596) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for issuance of detachable anatomical donor symbols on drivers' licenses; and further providing for special permits.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1168 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1172 (Pr. No. 1567) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," permitting health care facilities to board an animal in certain cases.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1177 and 1242 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1247 (Pr. No. 1701) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain width vehicles and permits for such vehicles.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AMENDED

HB 1468 (Pr. No. 2680) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting recipients of the Congressional Medal of Honor from all title and registration fees.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator FISHER offered the following amendment:

Amend Title, page 1, line 3, by removing the period after "fees" and inserting: ; and increasing income limitation for retired persons who are eligible to pay a processing fee in lieu of a registration fee.

Amend Sec. 1 (Sec. 1901), page 3, line 16, by inserting brackets before and after "\$9,000" and inserting immediately thereafter: \$12,000

Amend Sec. 1 (Sec. 1901), page 4, line 24, by inserting brackets before and after "and (17)" and inserting immediately thereafter: , (17) and (18)

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 FISHER.

BILL OVER IN ORDER

HB 1576 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

HB 1726 (Pr. No. 2337) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for attendance at certain conferences, institutes and schools.

Considered the second time and agreed to,

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

HB 1727 (Pr. No. 2338) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The First Class Township Code", approved June 24, 1931 (P. L. 1206, No. 331), changing the rates for per diem for attendance of appointed township officers and employees at conferences, institutes and schools.

Considered the second time and agreed to,

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

BILL REREFERRED

HB 1751 (Pr. No. 2693) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Pennsylvania Industrial Development Authority Act," approved May 17, 1956 (1955 P. L. 1609, No. 537), requiring the Authority to promulgate regulations for its operations; prohibiting the use of funds for certain agricultural enterprises; and further providing powers of the Authority.

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

SENATE CONCURRENT RESOLUTION
NO. 107, CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, **Senate Concurrent Resolution No. 107**, entitled:

Directing the Joint State Government Commission to investigate third-party real estate brokerage activity.

On the question,
Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION
NO. 107, ADOPTED**

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 107.

The motion was agreed to and the resolution was adopted.

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

HB 1919 CALLED UP

HB 1919 (Pr. No. 2556) — Without objection, the bill, which previously went over in its order, was called up, from page 3 of the Second Consideration Calendar, by Senator JUBELIRER.

**PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION**

HB 1919 (Pr. No. 2556) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Public Utility Commission.

Considered the second time and agreed to,

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

HB 1920 CALLED UP

HB 1920 (Pr. No. 2509) — Without objection, the bill, which previously went over in its order, was called up, from page 4 of the Second Consideration Calendar, by Senator JUBELIRER.

**PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION**

HB 1920 (Pr. No. 2509) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

Considered the second time and agreed to,

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

SUPPLEMENTAL CALENDAR NO. 1

**THIRD CONSIDERATION CALENDAR
BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1448 (Pr. No. 2724) — 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; elimi-

nating 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; making editorial changes; and making repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—48

Andrezeski	Holl	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
Hankins	Lloyd	Ross	Williams
Helfrick	Loeper	Scanlon	Wilt
Hess	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 with amendments in which concurrence of the House is requested.

The PRESIDING OFFICER (Robert C. Jubelirer) in the Chair.

UNFINISHED BUSINESS

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator LOEPER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION**

January 3, 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 James J. Dodaro, 119 Victoria Drive, White Oak 15131, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1991, and until his successor is appointed and qualified, vice Jack I. Greenblat, Allentown, whose term expired.

DICK THORNBURGH.
MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

January 3, 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 Ken Ross, 6226 Mellon Park Court, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1987, and until his successor is appointed and qualified, vice Ray M. Bollinger, Richland, resigned.

DICK THORNBURGH.
MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

January 3, 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 Frank A. Ursomarso, 771 Unionville Road, Clearmount Farm, Kennett Square 19348, Chester County, Nineteenth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1993, and until his successor is appointed and qualified, vice Egidio Cerilli, Greensburg, resigned.

DICK THORNBURGH.
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 COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

March 5, 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 Frank C. P. McGlenn, 729 Millbrook Lane, Haverford 19041, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1985, and until his successor has been appointed and qualified.

DICK THORNBURGH.
MEMBER OF THE BOARD OF TRUSTEES OF
ASHLAND STATE GENERAL HOSPITAL

March 7, 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 Thomas J. Miller, Sr., R. D. 1, Catawissa 17820, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Ashland State General Hospital, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice Francis J. Oakum, Mahanoy Plane, deceased.

DICK THORNBURGH.
MEMBER OF THE COUNCIL OF TRUSTEES
OF CLARION UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

March 5, 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 John W. Mochnick, R. D. 1, Jeannette 15644, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Clarion 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, vice William E. Sheridan, Clarion, whose term expired.

DICK THORNBURGH.
MEMBER OF THE STATE DENTAL
COUNCIL AND EXAMINING BOARD

February 29, 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 Dr. Robert A. Probst, 128 Pennsylvania Avenue East, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the State Dental Council and Examining Board, to serve for a term of six years and until his successor shall have been appointed and qualified, vice Dr. Reuben E. V. Miller, Jr., Easton, whose term expired.

DICK THORNBURGH.
MEMBER OF THE BOARD OF TRUSTEES OF
HARRISBURG STATE HOSPITAL

March 9, 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 Jane First, 2410 Midland Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Miriam N. McDonel, Camp Hill, resigned.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

February 29, 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 Charles R. Eshleman (Public Member), 54 West Sheridan Avenue, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, to fill a new position.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF PUBLIC WELFARE

February 29, 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 Robert J. Antonelli, 2181 Garrick Drive, Pittsburgh 15235, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Public Welfare, to serve until June 7, 1988, and until his successor is appointed and qualified, vice the Honorable Joseph V. Zord, Jr., Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SELINGROVE CENTER

March 8, 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 Frank J. Fendt, 604 North Seventh Street, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Robert J. Webb, Shamokin Dam, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SELINGROVE CENTER

March 8, 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 Stanley A. Madrak, 316 West Chestnut Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice William H. Decker, Middleburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SELINGROVE CENTER

March 8, 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 Orlando C. Scopelliti, 1501 West Mulberry Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
SELINGROVE CENTER

March 8, 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 Ann I. Shadel, R. D. 1, Mount Pleasant Mills 17853, Snyder County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD

February 29, 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 the Honorable Murray G. Dickman, 1074-7 Lancaster Boulevard, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve until September 26, 1986, vice Milton Melman, Harrisburg, resigned.

DICK THORNBURGH.

MEMBER OF THE HUNTINGDON COUNTY
BOARD OF ASSISTANCE

February 29, 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 W. Ruth Barner (Republican), R. D. 1, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1984, and until her successor is duly appointed and qualified, vice Michael Raymond Miller, Huntingdon, resigned.

DICK THORNBURGH.

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

February 29, 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 Nevin I. Benner (Republican), Richfield 17086, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Juniata County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Horace R. Bacon, Port Royal, resigned.

DICK THORNBURGH.

DISTRICT JUSTICE

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 James M. Korch, 1717 Westwood Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as District Justice in and for the County of Berks, Magisterial District 2-01, to serve until the first Monday of January, 1986, vice Henry E. Shultz, deceased.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

Senator LOEPER. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nominations will be laid on the table.

REPORTS FROM COMMITTEES

Senator KUSSE, from the Committee on Transportation, reported the following bills:

SB 1042 (Pr. No. 1321)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the identification of drivers of vehicles.

SB 1291 (Pr. No. 1847) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing ambulance corps, rescue squad members and paramedic registration plates; and further providing for fees for certain personal registration plates.

HB 865 (Pr. No. 2730) (Amended)

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 appropriations; and making repeals.

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

SB 981 (Pr. No. 1216)

An Act providing for the disposal of unclaimed garments.

SB 987 (Pr. No. 1850) (Amended)

An Act combining the radiation safety provisions of the Atomic Energy Development and Radiation Control Act and the Environmental Radiation Protection Act; empowering the Department of Environmental Resources to implement a comprehensive Statewide radiation protection program; further providing for the power of the Environmental Quality Board and for the duties of the Environmental Hearing Board; expanding the authority of the department to regulate other radiation sources and radiologic procedures; establishing fees; and providing penalties.

SB 1196 (Pr. No. 1627)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for rate communications to utility customers.

SB 1279 (Pr. No. 1785)

An Act prohibiting false reports relating to certain disasters and to the operation of power generating facilities; and fixing penalties.

HB 132 (Pr. No. 2725) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting natural gas utilities from utilizing a sliding scale of rates to recover natural gas costs; and further providing for procedures and standards for regulating the rates of natural gas utilities.

HB 331 (Pr. No. 2726) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the conversion of generating units from oil or gas to coal and for the recovery of conversion costs; providing for the approval of the construction of generating units fueled by nuclear energy, oil or natural gas; and providing for the conversion of damaged nuclear generating units.

HB 1373 (Pr. No. 2232)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing that the transcript of public hearings be considered part of the record in proceedings before the commission.

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

SB 1078 (Pr. No. 1851) (Amended) (Rereported)

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "Surface Mining Conservation and Reclamation Act," providing for a separation of requirements for license issuance and permit issuance; affecting the license application requirement of liability insurance for water supply restoration or replacement; establishing content requirements of landowner consent forms; providing for public hearings and publication of notice; providing for conservation of reclaimed land; requiring advertisement for bids for reclamation of bond forfeiture areas; creating a Reclamation Advisory Board and establish-

ing its duties; prohibiting certain contracts; requiring contractors to pay workers at a particular rate; and requiring publication of contracts awarded.

SB 1112 (Pr. No. 1852) (Amended) (Rereported)

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.

HB 226 (Pr. No. 2729) (Amended) (Rereported)

An Act amending the "Local Health Administration Law," approved August 24, 1951 (P. L. 1304, No. 315), further providing for State grants to county departments of health and to certain municipalities.

HB 1832 (Pr. No. 2681) (Rereported)

An Act providing for an appropriation to the High Speed Intercity Rail Passenger Commission.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator CORMAN submitted the Report of Committee of Conference on **SB 503**, which was placed on the Calendar.

DISAPPROVAL OF PUC REGULATION

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following PUC regulation has been recommended for disapproval to the Independent Regulatory Review Commission: #L-840097.

BILL IN PLACE

Senator LEWIS presented to the Chair a bill.

CONGRATULATORY RESOLUTIONS

The PRESIDING OFFICER laid before the Senate the following resolutions, which were read, considered and adopted: Congratulations of the Senate were extended to the Second Baptist Church of Erie by Senator Andrezeski.

Congratulations of the Senate were extended to Father Charles P. McMullen by Senator Bell.

Congratulations of the Senate were extended to The White Memorial Church of Christ of Milroy by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Loyd Mattern, Mr. and Mrs. Albert Robertson, Mr. and Mrs. Richard Watts, Mr. and Mrs. Marlin Young, Dale E. Huggins and to John Petersen by Senator Early.

Congratulations of the Senate were extended to the Bethel Park Senior High School Boys' Swimming Team by Senator Fisher.

Congratulations of the Senate were extended to the Zion United Methodist Church of East Prospect by Senator Hess.

Congratulations of the Senate were extended to Harry G. Chrusch and to Chief Harvey B. Clemmer by Senator Holl.

Congratulations of the Senate were extended to Joseph R. Patton by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. John J. McDonald by Senator Kratzer.

Congratulations of the Senate were extended to the South Union Volunteer Fire Company of Uniontown by Senator Lincoln.

Congratulations of the Senate were extended to Billy Hungerberger by Senator Loeper.

Congratulations of the Senate were extended to Corporal Thomas Prokop by Senator Lynch.

Congratulations of the Senate were extended to Helen I. Harsh and to Raymond C. Mullin by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. John Burnat and to Mr. and Mrs. Karl M. Hughes by Senator O'Connell.

Congratulations of the Senate were extended to the missionary sisters of The Most Sacred Heart of Saint Michael's Convent by Senator O'Pake.

Congratulations of the Senate were extended to Peter T. Guidon by Senator Reibman.

Congratulations of the Senate were extended to Mr. Edward Cilli and to Mr. William Lucci by Senator Ross.

Congratulations of the Senate were extended to Mrs. Rachel Roberts by Senator Singel.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas McMahan, Mr. and Mrs. Davis Pifer, Elizabeth Mack, Harry Miller and to Finis Palmer by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Harold D. McCleary, Raymond Archie Thomas and to the Pennsylvania Junior Academy of Science by Senator Stout.

Congratulations of the Senate were extended to Don Valesky by Senator Wilt.

Congratulations of the Senate were extended to Joseph M. Kallok by Senator Zemprelli.

CONDOLENCE RESOLUTION

The PRESIDING OFFICER laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Honorable Curtis Wood, Sr. by Senator Bell.

BILLS ON FIRST CONSIDERATION

Senator SINGEL. 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 981, 987, 1042, 1196, 1279, 1291, HB 132, 331, 865 and 1373.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

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

Mr. President, I will be introducing next week when the Senate returns to Session a bill to bring the escalating legal costs of the Commonwealth under reasonable restraints and controls.

When I first began reviewing this area of government spending some two and one-half years ago, I calculated that the cost to the taxpayer of providing legal services for the state was in excess of \$25 million annually.

Today, by virtue of data provided us by the General Counsel—most reluctantly, I might note—and the Attorney General—quite expeditiously in contrast—we can fix that cost in excess of \$34 million a year.

The bill I will offer, admittedly, treats only one element in this entire issue—that of outside legal counsel retained by the state. But it is a very significant element, indeed.

Quite simply, the legislation will require that before any contract is awarded by the Commonwealth to an outside law firm, it must be reviewed and formally approved, both for appropriateness in purpose and financial terms by three officials: The Governor, the Attorney General and the State Treasurer.

Under existing law, the decision on whether or not to retain outside legal counsel rests primarily in the hands of one official—the Governor's General Counsel who, while admittedly a ranking officer of the Executive Branch is, nonetheless, an appointed subordinate of the Chief Executive.

I believe that is a misplaced delegation of authority.

The Governor is the Chief Executive of this Commonwealth. He must sign off on countless awards of contracts in a variety of governmental areas. He should be required to sign off on the award of legal retainers, as well.

Additionally, the terms and purpose of those contracts should be reviewed by the Attorney General of Pennsylvania. The Attorney General, after all, is the principal legal officer of this state for civil, as well as, criminal matters. He should have more to say in this process beyond a perfunctory review for contractual form.

Finally, these contracts should require the approval of the State Treasurer. He is the elected official who ultimately must pay the bill. He is entitled to share an equal voice in the decision-making process rather than being confronted with accomplished facts as is now the case.

As most of you are aware, the volume of legal contracts handed out by this Administration has tripled since 1981 to a level of \$3 million-plus.

All the while, the other legal machinery of state government was growing at equally noticeable rates. The question we must ask is, quite simply, why?

The answer, I believe, traces back to turn-of-the decade drive to convert the office of Attorney General from an appointive to an independently elected position.

What a few of us feared then, and many are just coming to fully appreciate now, were the cost ramifications of that reform drive.

They have been substantial over just the last three years.

The budget of the elected Attorney General stands at \$20,630,000 right now and will likely rise to a level of \$23 million when the 1984-85 budget is enacted into law.

Contrast this to the \$13,901,000 budget last authorized for the former Department of Justice under the appointive system in 1980-81.

In personnel costs alone, the number of attorneys working for the Attorney General jumped from 122 in January of 1981 to 142 as of this year, with payroll costs rising commensurately, from \$3.3 million to the current level of \$5 million-plus.

The lesson we should learn, I suppose, is that change does not always come cheaply.

In the meantime, the cost of the in-house departmental lawyers subject to the jurisdiction of the Governor's General Counsel jumped from \$7.2 million in 1981 to \$8.6 million in 1983. We have not yet calculated that cost for 1984.

All the while, the volume of legal work parceled out to outside firms jumped from \$1.1 million in 1981 to \$2.5 million in 1982 to \$3 million in 1983. That's a \$1.9 million increase in just two short years and the authority to make that kind of commitment rested virtually in the hands of the General Counsel alone.

It is this glaring shortcoming that the legislation I advance today can correct.

Another feature of this bill would require that notification of each contract be provided to the Majority and Minority Chairmen of the Senate and House Appropriations Committees upon execution.

I need not recall for you the tortuous court proceedings I was forced to initiate to secure much of this information from the General Counsel. It took us over two years to obtain information from the Governor's Office that should have been made and could have been made available to us in two weeks. By way of stark contrast, it took us only two weeks to secure essentially the same information from the Attorney General.

The point is, accountability for these kinds of contracts should not have to depend on the cooperativeness of a particular office of state government. It should be forthcoming as a matter of public policy and this provision will guarantee that it, in fact, will be in the future.

I have my staff exploring other avenues on how to bring other legal costs more effectively under control. We will advance them as our research is completed and our proposals finalized.

For now, however, we have a problem that we can rectify immediately. There is no reason to wait.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 525**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDING OFFICER**. The bill, as amended, will be placed on the Calendar.

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 946** and **1397**.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

BILLS SIGNED

The **PRESIDING OFFICER** (Robert C. Jubelirer) in the presence of the Senate signed the following Bills:

HB 946, 1397 and 1643.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MARCH 27, 1984

10:00 A.M.	AGING AND YOUTH (to consider Senate Bill No. 748 and House Bill No. 1305)	Room 461, 4th Floor Conference Rm., North Wing
10:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 1102, 1152; House Bills No. 178, 846, 902 and 1270)	Room 460, 4th Floor Conference Rm., North Wing
11:30 A.M.	EDUCATION (to consider Senate Bills No. 663 and 794)	Room 459, 4th Floor Conference Rm., North Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 1050, 1141, 1142, 1173, 1174, 1211 and House Bill No. 1672)	Room 461, 4th Floor Conference Rm., North Wing

12:30 P.M.	MILITARY AND VETERANS AFFAIRS (to consider Senate Bills No. 1101, 1159, 1236; House Bills No. 511 and 1569)	Room 460, 4th Floor Conference Rm., North Wing
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1:00 P.M.	Conference Committee on Senate Bill No. 730	Room 459, 4th Floor Conference Rm., North Wing
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FRIDAY, MARCH 30, 1984

10:00 A.M.	URBAN AFFAIRS AND to HOUSING (Public Hearing on Senate Bill No. 1235)	Room 400, Philadelphia City Council Chambers, Philadelphia
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THURSDAY, APRIL 5, 1984

2:30 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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WEDNESDAY, APRIL 11, 1984

11:00 A.M.	Public Employee Retire- ment Study Commission	Room 459, 4th Floor Conference Rm., North Wing
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THURSDAY, APRIL 19, 1984

2:30 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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TUESDAY, APRIL 24, 1984

1:00 P.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 1285, 1289; House Bills No. 314 and 1863)	Room 461, 4th Floor Conference Rm., North Wing
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ADJOURNMENT

Senator **STAUFFER**. Mr. President, I move that the Senate do now adjourn until Tuesday, March 27, 1984, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:08 p.m., Eastern Standard Time.