

Legislative Journal

MONDAY, OCTOBER 1, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 58

SENATE

MONDAY, October 1, 1984.

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

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

PRAYER

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

O Lord, our God, we pause now to invoke Thy blessing and guidance in this Session.

We entreat Thee to teach us the best way to see, the best way to reason and discern, and the best way to act in serving the citizenry and the Commonwealth. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of September 26, 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.

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee of Conference on Senate Bill No. 11 to meet off the floor today, as well as the Senate Committee on Transportation to meet off the floor to consider House Bill No. 2195.

LEGISLATIVE LEAVE

Senator SCANLON. Mr. President, I am requesting a temporary legislative leave for Senator Kelley.

The PRESIDENT pro tempore. Are there objections to the granting of temporary legislative leave for Senator Kelley? The Chair hears none and that leave will be granted.

LEAVES OF ABSENCE

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

Senator SCANLON asked and obtained leaves of absence for Senators HANKINS, LLOYD and LYNCH, for today's Session, for personal reasons.

He also asked and obtained temporary leave of absence for Senator LEWIS, for a portion of today's Session, for personal reasons.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

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

SB 582 and 1329.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

September 27, 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 Joseph F. Brennan, 1 Buttonwood Square, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony A. Sanvito, Coraopolis, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PUBLIC EMPLOYEE RETIREMENT STUDY COMMISSION

September 27, 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 Richard L. Witmer, Box 17, R. D. 2, Spartansburg 16434, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Public Employee Retirement Study Commission, to serve until October 28, 1987, and until his successor is appointed and qualified, vice William H. Hansell, Jr., Allentown, resigned.

DICK THORNBURGH.
MEMBER OF THE STATE REAL
ESTATE COMMISSION

September 27, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Anne Gans Kayarian (Public Member), 880 Hollywood Circle, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until her successor has been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 32, approved March 29, 1984, to fill a new position.

DICK THORNBURGH.
DISTRICT JUSTICE

September 27, 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 Paul J. Hadzick, 31 Eurana Avenue, Weatherly 18255, Carbon County, Twenty-ninth Senatorial District, for appointment as District Justice in and for the County of Carbon, Magisterial District 56-3-04, to serve until the first Monday of January, 1986, vice Andrew Moisey, resigned.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS

September 28, 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 Richard J. Brennan, 5137 Kylock Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Barber Examiners, 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, pursuant to Act 101, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS

September 28, 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 G. Cutshall, 1703 Goucher Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of two years and until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 101, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS

September 28, 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 Bruce Knarr, South Hoffer Avenue, Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Barber Examiners, 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, vice John H. Allison, McMurray, resigned.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF COSMETOLOGY

September 28, 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 Donald Donofrio, 25 Williams Lane, Hatboro 19040, Montgomery County, Twelfth Senatorial District, to serve for a term of two years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF COSMETOLOGY

September 28, 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 Richard A. Eastman (Public Member), 14 Hickory Road, Macungie 18062, Lehigh County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of one year and until his successor shall have been appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF COSMETOLOGY

September 28, 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 Lee T. Johnson, 10938 Old Route 99, McKean 16426, Erie County, Forty-ninth Senatorial District, to serve for a term of three years and until her successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

September 28, 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 Joseph D. Mazzie, 228 Cornwall Drive, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Michael J. Votto, Jr., Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

September 28, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joan Pileggi, 717 Walnut Street, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of one year and until her successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

September 28, 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 Clair E. Troy, 106 West Main Street, P. O. Box 554, Elizabethville 17023, Dauphin County, Fifteenth Senatorial District, to serve for a term of three years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
DRUG, DEVICE AND COSMETIC BOARD

September 28, 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 Phillip D. Pulsinelli, R. D. 3, Sunset Drive, Export 15632, Westmoreland County, Forty-fourth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1986, and until his successor is appointed and qualified, vice Gerald J. Cox, Ph.D., resigned.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

September 28, 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 Wilhelm F. Knauer, Jr., Esquire, 26P - 1420 Locust Street, Philadelphia 19102, Philadelphia County, Eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1986, vice the Honorable Paul M. Chalfin, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SCOTLAND SCHOOL FOR
VETERANS' CHILDREN

September 28, 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 Malvina Dickerson, 2125 Reed Street, Philadelphia 19146, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Hon. William S. Rahausser, Pittsburgh, whose term expired.

DICK THORNBURGH.

SHERIFF IN AND FOR THE COUNTY
OF CAMBRIA

September 28, 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 Richard W. Frombach, R. D. 1, Box 422, South Fork 15956, Cambria County, Thirty-fifth Senatorial District, for appointment as Sheriff in and for the County of Cambria, to serve until the first Monday of January, 1986, vice Joseph Cavanaugh, deceased.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES
OF WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

September 28, 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 Johanna K. Havlick, 545 Georgia Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Bernard J. Carrozza, confirmed to another position.

DICK THORNBURGH.

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE PLANNING BOARD

September 27, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 24, 1984 for the appointment of Edward M. Mead, 800 West Dutch Road, Fairview 16415, Erie County, Forty-ninth Senatorial District, as a member of the State Planning Board, to serve until his successor is appointed and qualified, vice Thomas B. King, Ph.D., State College, resigned.

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

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS**

September 28, 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 September 27, 1984 for the appointment of Joseph F. Brennan, 1 Buttonwood Square, Philadelphia 19130, Philadelphia County, First Senatorial District, as a member of the State Board of Funeral Directors, to serve for a term of five years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony A. Sanvito, Coraopolis, whose term expired.

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

DICK THORNBURGH.

**MEMBER OF THE COUNCIL OF TRUSTEES
OF WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

October 1, 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 nomina-

tion dated September 28, 1984 for the appointment of Johanna K. Havlick, 545 Georgia Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Bernard J. Carrozza, confirmed to another position.

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

DICK THORNBURGH.

**RECALL COMMUNICATION
LAID ON THE TABLE**

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

**MEMBER OF THE BOARD OF TRUSTEES
OF EMBREEVILLE STATE HOSPITAL**

September 28, 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 May 18, 1984 for the appointment of Violet D. Armstead, 295 Northview Drive, Coatesville 19320, Chester County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of Embreeville State Hospital, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice Susan B. Cunningham, resigned.

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

DICK THORNBURGH.

**CORRECTIONS TO NOMINATIONS BY THE
GOVERNOR REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

October 1, 1984.

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

Please note the nomination dated September 28, 1984 for the appointment of Donald Donofrio, 25 Williams Lane, Hatboro 19040, Montgomery County, Twelfth Senatorial District, to serve for a term of two years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position, should be corrected to read:

Donald Donofrio, 25 Williams Lane, Hatboro 19040, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of two years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

October 1, 1984.

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

Please note the nomination dated September 28, 1984 for the appointment of Lee T. Johnson, 10938 Old Route 99, McKean 16426, Erie County, Forty-ninth Senatorial District, to serve for a term of three years and until her successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position, should be corrected to read:

Lee T. Johnson 10938 Old Route 99, McKean 16426, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

October 1, 1984.

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

Please note the nomination dated September 28, 1984 for the appointment of Clair E. Troy, 106 West Main Street, P. O. Box 554, Elizabethville 17023, Dauphin County, Fifteenth Senatorial District, to serve for a term of three years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position, should be corrected to read:

Clair E. Troy, 106 West Main Street, P. O. Box 554, Elizabethville 17023, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1406**, with the information that the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 387, 402 and 1385**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bills, 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:

September 28, 1984

HB 225 — Committee on Banking and Insurance.

HB 450, 949, 950, 1258 and 1259 — Committee on Local Government.

HB 1483 — Committee on Consumer Protection and Professional Licensure.

HB 1972 — Committee on Public Health and Welfare.

HB 2116 — Committee on Environmental Resources and Energy.

HB 2324 — Committee on Law and Justice.

October 1, 1984

HB 2100 — Committee on Environmental Resources and Energy.

HB 2195 — Committee on Transportation.

HB 2281 — Committee on State Government.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

September 26, 1984

Senators EARLY, LINCOLN, WILT, SHUMAKER and KRATZER presented to the Chair **SB 1553**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation of vehicles with safety belts.

Which was committed to the Committee on TRANSPORTATION, September 26, 1984.

Senators LLOYD and ROCKS presented to the Chair **SB 1554**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land to the Fraternal Order of Police, Lodge 5 of Philadelphia, situate in the City and County of Philadelphia, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, September 26, 1984.

Senators LLOYD and LINCOLN presented to the Chair **SB 1555**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the creation of and the powers and duties of the Citizens Utility Board and its regional boards.

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

Senator KUSSE presented to the Chair **SB 1556**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to join with Conewango Township in Warren County in the conveyance of a parcel of land, at a fair market value, to West Penn Oil Corporation, Inc.

Which was committed to the Committee on STATE GOVERNMENT, September 26, 1984.

Senator KUSSE presented to the Chair **SB 1557**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further excepting multistate regional examinations from Bureau of Professional and Occupational Affairs preparation and administration.

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

September 28, 1984

Senators REIBMAN, O'PAKE and ANDREZESKI presented to the Chair **SB 1558**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the establishment of the Pennsylvania School for the Social Sciences and the Pennsylvania School for the Humanities; and making an appropriation.

Which was committed to the Committee on EDUCATION, September 28, 1984.

RESOLUTIONS INTRODUCED AND REFERRED

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

September 26, 1984

NAMING WILLIAM PENN AND HANNAH CALLOWHILL PENN HONORARY CITIZENS OF PENNSYLVANIA

Senator LYNCH offered the following resolution (**Senate Resolution No. 149**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, September 26, 1984.

A RESOLUTION

Naming William Penn and Hannah Callowhill Penn honorary citizens of Pennsylvania.

WHEREAS, When paying tribute to the many great men and women who have emerged over the centuries from the nation of Great Britain, the names of William Penn and Hannah Callowhill Penn, his wife, must be remembered; and

WHEREAS, William Penn, as a British citizen and the founder of the Commonwealth of Pennsylvania, had strong faith in a representative form of government, public education without regard to race, creed, sex, or ability to pay and respect for the civil liberties of all persons; and

WHEREAS, Free public access to judicial proceedings, trial by a jury of one's peers, limitations on capital punishment and the eradication of debtor's prisons are among a few of the beliefs that distinguished Penn from his peers; and

WHEREAS, Like the Founding Fathers of this country Penn respected and helped to delineate principles of freedom of worship and freedom of expression which are incorporated in the First Amendment; and

WHEREAS, A man of faith who was devoted to the goal of international peace, William Penn was conscientiously opposed to war as a means of resolving international disputes and pro-

posed a Parliament of Nations, much like the current United Nations organization; and

WHEREAS, Hannah Callowhill Penn for six years effectively served in an administrative position of the Province of Pennsylvania and distinguished herself as a lifelong advocate of peace and justice; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania hereby pays tribute to the legacy of William Penn and Hannah Callowhill Penn and names them honorary citizens of the Commonwealth of Pennsylvania.

PROVIDING FOR A SPECIAL COMMITTEE TO INVESTIGATE THE TRANSPORTATION OF SCHOOL CHILDREN ALONG HAZARDOUS ROUTES

Senators LLOYD, ANDREZESKI, LINCOLN, ROCKS, O'PAKE and SINGEL offered the following resolution (**Senate Resolution No. 150**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, September 26, 1984.

A RESOLUTION

Providing for a special committee to investigate the transportation of school children along hazardous routes.

WHEREAS, Our children are our most precious resource; and WHEREAS, The Commonwealth is charged with the duty to protect the health, welfare and safety of its residents; and

WHEREAS, The Commonwealth is responsible for seeing that our children receive a quality education; and

WHEREAS, That responsibility includes the safe transportation of our children to schools; and

WHEREAS, There have been accidents involving injury and death of school children traveling to and from school; and

WHEREAS, One recent tragedy occurred in Philadelphia when Timothy Bryson was struck by a car and killed while enroute to school; therefore be it

RESOLVED, That the President pro tempore appoint a special committee to be composed of five members, three from the majority party and two from the minority party, to investigate the process, regulations and implementation of the Department of Transportation's designations and remedies for the transportation of children along hazardous routes to determine actions that will lead to greater safety in transporting our school children, especially in urban areas; and be it further

RESOLVED, That the committee shall prepare a report of its findings and recommendations for legislation and such other action as it deems appropriate within 90 days from the adoption of this resolution; and be it further

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

RESOLVED, That within 30 calendar days after the committee has made its report, the chairman of the committee shall cause a record of all expenses incurred by the committee, or the members thereof, which are payable at Commonwealth expense, to be filed with the President pro tempore, who shall cause the same to be entered in the journal thereof. No expenses incurred by the committee or any member thereof shall be reimbursable by the Chief Clerk unless such expense shall first have been included as an expense item in the record heretofore required.

BILLS SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the presence of the Senate signed the following bills:

SB 450, 1406, HB 1682, 1980, 2136 and 2183.

REPORTS FROM COMMITTEE

Senator FISHER, from the Committee on Environmental Resources and Energy, reported the following bills:

HB 1863 (Pr. No. 3626) (Amended)

An Act amending "The Pennsylvania Sewage Facilities Act," approved January 24, 1966 (1965 P. L. 1535, No. 537), further providing for permits.

HB 2100 (Pr. No. 3606)

An Act requiring coordination of coal mine and gas well operators; authorizing Department of Environmental Resources enforcement powers; and providing penalties.

HB 2196 (Pr. No. 3627) (Amended)

An Act establishing a Chesapeake Bay Pollution Abatement Fund to be administered by the State Conservation Commission; and providing for the powers and duties of the commission with respect to the fund.

MEETING OF COMMITTEE ON CONSUMER PROTECTION AND PROFESSIONAL LICENSURE

Senator BELL. Mr. President, I request a meeting of the Committee on Consumer Protection and Professional Licensure after the second reading Calendar.

The PRESIDENT pro tempore. Senator Bell requests a meeting of the Committee on Consumer Protection and Professional Licensure to meet in the Rules Committee room at the rear of the Chamber to consider PUC regulation I-8009038.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator JUBELIRER offered the following resolution, which was read, considered and adopted:

In the Senate, October 1, 1984.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, November 13, 1984 unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, That when the Senate adjourns the week of November 13, 1984, it reconvene on Monday, November 19, 1984 unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 19, 1984 unless sooner recalled by the Speaker.

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

LEGISLATIVE LEAVE

Senator JUBELIRER. Mr. President, I would request a temporary Capitol leave for Senator Kusse who, as Chairman of the Senate Committee on Transportation, is meeting with several Members of the House Transportation Committee.

The PRESIDENT pro tempore. Is there an objection to a temporary Capitol leave for Senator Kusse? The Chair hears none and that leave will be granted.

CALENDAR

SPECIAL ORDER OF BUSINESS

SENATE RESOLUTION NO. 144, CALLED UP OUT OF ORDER

Senator JUBELIRER, without objection, called up out of order, as a Special Order of Business, from page 11 of the Calendar, **Senate Resolution No. 144**, entitled:

Urging the creation of a task force on children's issues.

On the question,
Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 144, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution No. 144.

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

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

YEAS—45

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

NAYS—0

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

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on State Government to meet off the floor today to consider House Bill No. 2281.

FAMILY OF SENATOR M. JOSEPH ROCKS PRESENTED TO SENATE

Senator ROCKS. Mr. President, I would like to introduce the three most important people in my life. In making that introduction I know for me, and I am sure for most of us here, there will be no greater honor than serving in Pennsylvania's Senate. Based on that honor, for each of us I am painfully sure, there are few people we represent who understand the sacrifice our immediate families make. I have one of those rare days in any of our careers when my family is sharing the day with me here at the Capitol and I would like to present them to you: my wife, Nancy; my son, Michael Joseph; and my daughter, Patricia Ann Rocks.

(Applause.)

The PRESIDENT pro tempore. It is a pleasure to see you, Nancy and Michael. Patricia Ann, you can turn around and say hello to us. Patricia Ann shares the shyness many young daughters share. It is very nice to have you with us.

RECESS

Senator JUBELIRER. Mr. President, we have a number of things in store. First of all, Mr. President, at this time I ask for a recess of the Senate. I would ask first that the Members of the Committee on Rules and Executive Nominations meet in the Rules Committee room at the rear of the Senate Chamber for a very brief meeting. Immediately following the meeting of the Committee on Rules and Executive Nominations, I would ask on behalf of Senator O'Connell that Members of the Committee on State Government meet in the same Rules Committee room for, again, a very brief meeting of that committee.

Mr. President, on behalf of Senator Bell, Chairman of the Committee on Consumer Protection and Professional Licensure, Members of that committee will meet in the same Rules Committee room for a very brief meeting.

Mr. President, Senator Tilghman has a meeting of the Committee on Appropriations scheduled on the fourth floor, probably Room 459 or Room 461. I would ask the Members of the Committee on Appropriations to meet in one of those rooms following the three very brief meetings of the committees I just announced.

After that, Mr. President, I would hope I could entice the Republican Members of the Senate to go to the first floor caucus room for what I hope will be consistently a brief meeting of that august Body.

It is my expectation that we will probably return to the floor somewhere around 4:30 p.m. to 5:00 p.m. to deal with the remainder of today's Calendar. We will call the Members of

the Republican caucus for a caucus meeting at the appropriate time. I expect it would be somewhere around 3:30 p.m., Mr. President.

Senator SCANLON. Mr. President, I am requesting the Members of the Democratic caucus to report to the Minority caucus room at 3:45 p.m.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules Committee room immediately; for the purpose of a meeting of the Committee on State Government to take place in the same room immediately thereafter; for the purpose of a meeting of the Committee on Consumer Protection and Professional Licensure to take place immediately following the meeting of the Committee on State Government, and then for the purpose of a Republican caucus to be called and for the Democratic Members of the Senate to be called to their caucus room at 3:45 p.m., the Senate is now in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE AMENDMENTS NONCONCURRED IN BY THE HOUSE TO SB 705

SB 705 (Pr. No. 2208) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," expanding the general powers to include steam and electric power facilities.

Senator STREET. Mr. President, I move that the Senate do insist upon its amendments to House amendments to Senate Bill No. 705, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes with pleasure the presence of Senator Lloyd upon the floor. His leave is hereby cancelled.

Senator LLOYD. Mr. President, I just wanted to have that noted.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—46

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

NAYS—0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes with pleasure the presence of Senator Kelley and Senator Kusse on the floor. It is nice to see you here, Senators. Your leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 1044 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1079 (Pr. No. 2305) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding a provision relating to the transfer of property to fiduciaries; changing provisions relating to investments by fiduciaries; clarifying the method of payment when the Commonwealth is intestate heir; authorizing acknowledgments of self-proved wills to be taken before an attorney and then certified by him to a notary; modifying the duty of a personal representative regarding inventories; authorizing the annexation of a copy of certain other accounts to an account of the administration of the estate; making the time for advertisement of accounts four weeks in all cases; providing that the account of the personal representative be filed with the clerk; adding a rule of will interpretation regarding nonademption and attorneys-in-fact; providing that a personal representative is not liable for continued distribution in the same pattern after a change in law; amending provisions relating to disclaimers; and making technical changes and repeals.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1079.

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

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

YEAS—46

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

NAYS—0

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

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

SB 1154 (Pr. No. 2328) — 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 unlawful methods of hunting; further providing for killing game and wildlife which destroys property; and providing penalties.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1154.

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

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

YEAS—46

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

NAYS—0

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

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

SB 1155 (Pr. No. 2216) — 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," providing for nonlicensed hunting and trapping on detached farmlands within ten air miles of the primary farm.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1155.

On the question,

Will the Senate agree to the motion?

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

YEAS—46

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS

HB 1236 CALLED UP OUT OF ORDER

HB 1236 (Pr. No. 3573) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

HB 1236 (Pr. No. 3573) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring chemical identification of substances in the community and on employer premises; requiring the posting of the identity of these substances by employers and the labeling of chemicals; requiring information and safety data on chemicals to be given to the Department of Health, members of the community, and employees; requiring employers to operate educational programs relating to hazardous substances; providing for further duties of the Department of Labor and Industry, for complaint procedures, for investigations, for compliance orders and the enforcement thereof; and providing penalties.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER, on behalf of himself and Senator ROCKS, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 5, by striking out "Health" and inserting: Labor and Industry

Amend Sec. 2, page 5, line 15, by striking out "or" and inserting: of

Amend Sec. 2, page 5, line 23, by striking out "vats,"

Amend Sec. 2, page 6, line 2, by striking out "or formerly"

Amend Sec. 2, page 6, line 6, by striking out "EMPLOYER'S" and inserting: employee's

Amend Sec. 2, page 9, line 23, by striking out "or outside"

Amend Sec. 3, page 12, line 30, by striking out "THERETO" and inserting: therefrom

Amend Sec. 13, page 39, line 16, by striking out "amount" and inserting: about

Amend Sec. 18, page 45, line 16, by striking out "7(1)" and inserting: 7(a)(1)

Amend Sec. 22, page 48, by inserting between lines 11 and 12: (d) Section 21 shall take effect immediately.

Amend Sec. 22, page 48, line 12, by striking out "(d)" and inserting: (e)

Amend Sec. 22, page 48, line 17, by striking out "(e)" and inserting: (f)

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 KUSSE, by unanimous consent, offered the following amendment:

Amend Sec. 6, page 26, lines 28 through 30; page 27, lines 1 through 7, by striking out all of said lines on said pages

Amend Sec. 6, page 27, line 8, by striking out "(5)" and inserting: (4)

Amend Sec. 6, page 27, line 13, by striking out "(6)" and inserting: (5)

Amend Sec. 6, page 27, line 16, by striking out "(1), (2), (3) or (4)." and inserting: (1) and (2).

Amend Sec. 6, page 27, line 18, by striking out "(7)" and inserting: (6)

Amend Sec. 6, page 28, line 8, by striking out "(1), (2), (3) AND (4)," and inserting: (1) and (2)

Amend Sec. 18, page 46, line 6, by striking out "(5)" and inserting: (4)

Amend Sec. 22, page 48, lines 10 and 11, by striking out both of said lines

Amend Sec. 22, page 48, line 12, by striking out "(d)" and inserting: (c)

Amend Sec. 22, page 48, line 17, by striking out "(e)" and inserting: (d)

On the question,

Will the Senate agree to the amendment?

Senator KUSSE. Mr. President, if my colleagues would turn to page 26, my amendment deals with the labeling of containers. The bill, under subsections (1) and (2) of the labeling section, indicates that every "employer shall ensure that each container of a hazardous substance is labeled..." It also says that, "The employer shall ensure that each container of a hazardous mixture is labeled, tagged or marked..."

However, I think we have a little overkill in the bill. My amendment proposes to delete subsection (4) on page 26. That is the section that states, "The employer shall ensure that each

container of a mixture is labeled, tagged or marked..." I would call the attention of my colleagues to the definition of a mixture. It says a mixture is "a combination of two or more chemicals not involving a chemical reaction." In other words, the bill in its present form says that whether a mixture is hazardous or not, even if it was just plain water, it would have to be labeled or tagged. It would have to have the chemical name and the common name. It would have to have the name of the manufacturer, the address of the manufacturer and his phone number, and so on. It certainly does seem like overkill. We are creating additional expense for the employers of the Commonwealth. That section does nothing toward protecting employees against hazardous substances because we have already dealt with that in subsections (1) and (2). It seems to me in the interest of our industries and manufacturers in Pennsylvania, in the interest of preserving jobs and in the interest of discouraging manufacturers and industries from considering not moving out of this state because of all the things we are constantly doing to them, this is a very acceptable amendment. It does not weaken the bill, and I think it is worthy of passage.

Senator ZEMPRELLI. Mr. President, I want to remind the Members of the Senate that we have discussed this amendment in full detail during our caucus and we found little merit in the amendment.

Mr. President, at the same time I would yield for more specific reasons to the gentleman from Philadelphia, Senator Rocks, who has been privy to the original discussion and has been an integral part of what has been a program designated to work out a bill that would deal adequately with this subject matter. But, I do want to remind the Members of the caucus that we have taken a negative position on this amendment and ask to yield in favor of the gentleman from Philadelphia, Senator Rocks.

The PRESIDENT pro tempore. For purposes of the future, Senator, the Chair feels constrained to remind you once again that no one can yield to anyone in the Senate. The Chair, however, does have Senator Rocks next on the list to speak so, Senator Rocks, the Chair recognizes you.

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I would request a legislative leave on behalf of Senator Musto.

The PRESIDENT pro tempore. Is there objection to a legislative leave for Senator Musto? The Chair hears none. That leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

Senator ROCKS. Mr. President, I hope in short fashion to describe the impact of this amendment, to simply state that in the context of what was a herculean effort on behalf of Pennsylvania business and Pennsylvania labor, this amendment would not only gut House Bill No. 1236, it would also gut entirely the parameters of a very, very difficult agreement between what are traditionally adversarial interests in this state, the people who philosophically, I am sure, brought

many of the concerns of the gentleman from Warren, Senator Kusse, as he described them in describing this amendment, to a process that was led very ably by the Majority Chairman of this Senate Chamber, the gentleman from Lancaster, Senator Wenger. It included myself and, as I think each one of us knows, the captains of industry and leaders of labor across this Commonwealth.

This amendment in gutting the context of that agreement would remove any chemical identification in House Bill No. 1236. In doing so, while it may be the maker of the amendment's contention that it does nothing toward the protection of employees since they are, under the bill, still protected by way of hazardous substance, Mr. President, I want to assure you that throughout the entire debate over this very, very difficult and important issue to the State of Pennsylvania, we have come to the realization that chemical identification in 1984, and for whatever we can see into the future, is as critical to the workers' safety concerns in this Commonwealth as any other part of this bill.

Finally, Mr. President, I would hope that in some resounding form we would join in defeating this amendment, not just for the protection of the integrity of a process that was a difficult one in bringing the leaders of business and labor together, but for the simple understanding that right to know legislation is going to be an issue that we must address as a General Assembly. We have that opportunity tonight here in the Senate. I do not think there is any great fear that what we are about is going to drive either industry or manufacturers out of the State of Pennsylvania. As a matter of fact, with remarkable sensitivity we moved through this process to ensure that much of the business concern was addressed in that bill as it would come before us without the amendment proposed by the gentleman from Warren, Senator Kusse. It was the Senator who referred to the bill as overkill. Mr. President, I assure you this amendment would be worse than overkill to House Bill No. 1236. It would gut the entire intention of this bill. For the workers' safety interest and the communities of this Commonwealth who are waiting for a responsible piece of legislation, while they may not be happy with every provision of this bill, as a compromise would not make every party happy, this legislation provides for us and for the people we represent the protections that we hope to see become law in this state. I would strongly urge that we defeat the amendment as proposed.

Senator BELL. Mr. President, I am not going to be lengthy. I am hearing rumors around this Capitol that a major multi-national oil company has been one of those that proposed this amendment. I also heard some rumors that a chemical company with world-wide agencies is connected with this. I am going to ask the news media to find out where this amendment came from. I am not going to interrogate anybody.

POINT OF ORDER

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

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

Senator KUSSE. Mr. President, I object to the suggestion that I am not the author of this amendment. I offered this amendment, not some multi-national company.

The PRESIDENT pro tempore. The Senate will be at ease. (The Senate was at ease.)

The PRESIDENT pro tempore. The Chair thanks the gentleman. The merits of the amendment are debatable, not their source, Senator. The Chair would ask that you address your remarks to the merits of the amendment.

Senator BELL. Mr. President, maybe the gentleman originated this, but I suggest to the Chair that when lobbyists are walking the halls of the Capitol—

The PRESIDENT pro tempore. Senator, will you please yield? The merits of the amendment are debatable and that is all, Senator. Please confine your remarks to the merits of the amendment.

Senator BELL. Mr. President, I made my point.

Mr. President, I agree with the gentleman from Philadelphia, Senator Rocks. This amendment guts this bill. On February 4th of this year—on my birthday, I know the day—I sat through a whole day of public hearings where I saw working people who had been poisoned by chemicals, poisoned by radiation because they worked with unknown substances, come in and testify. It was an Agent Orange story that had taken place in this Commonwealth from the friendly people who produced the harmless chemicals that kill, maim, destroy, and even go on to generations to come. I suggest to my colleagues that they vote on behalf of the working people of Pennsylvania and protect them from the harmless chemicals that, when combined, produce a very dangerous chemical. I would also suggest to my colleagues in this Body that when you take the label off a chemical, how do you have the right to know?

Senator KUSSE. Mr. President, I cannot believe the suggestion that this weakens or guts the bill. I, again, call upon my colleagues to read page 26, and since subsection (2) states that every employer shall label, tag or mark every container of a hazardous mixture, why then do we have to say he must also do the same thing with every mixture? Why not just the hazardous mixtures? Why does it also have to be those which are non-hazardous?

When it is suggested that this wonderful agreement was worked out by all the representatives of labor and all the representatives of manufacturers and industry, I do not believe that because it is my understanding it was worked out between representatives of the Chamber of Commerce and the AFL-CIO. I would remind my colleagues that the Chamber of Commerce does not represent every single manufacturer and industry in this state, and the AFL-CIO does not represent every single laborer in this state.

POINT OF ORDER

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

The PRESIDENT pro tempore. The gentleman from Philadelphia, Senator Rocks, will state it.

Senator ROCKS. Mr. President, I would hope the Chair would be 100 percent consistent in what were its previously

addressed remarks regarding the insertion of parts of this debate other than on the merits of the amendment.

The PRESIDENT pro tempore. If he were to be, Senator Rocks, your earlier remarks would be stricken and this, it seems to me, is in response to remarks which were made by you as to where this amendment came from. It was when the remarks became an attack upon an author of an amendment that the Chair intervened. That was the only purpose of the intervention.

Senator ROCKS. Mr. President, if I may on the point of order, I made no reference at all to where this amendment was made.

The PRESIDENT pro tempore. Senator, your remarks were that this amendment would gut an agreement worked out by industry and labor which are frequently opponents of one another and now they have gotten together, and this amendment would destroy that agreement. He was merely responding to those remarks, Senator, and it does not appear to me that he is attacking the amendment or the bill itself based upon who is interested in the bill. It is a totally different subject, in the opinion of the Chair.

Senator Kusse, you may proceed but, Senator, it probably would move us forward if all the speakers on this issue would stick to the merits of the bill and the amendment.

Senator KUSSE. Mr. President, I can only reiterate that this section I proposed to remove is one that would create terrible additional expense for manufacturers and industries in this state, and I feel this section does nothing toward protecting workers because I think we have addressed the need to protect them from hazardous mixtures in the prior sections to which I had referred. I do think, under our present economic conditions in Pennsylvania, we should not be taking this step which imposes additional financial hardships on employers and does not do one single thing for employees.

Senator LLOYD. Mr. President, I rise to urge a “no” vote on the amendment before us. The amendment before us violates the spirit of cooperation that was embraced on this important topic. The goal of protecting Pennsylvania’s working people, which is the essence of right to know legislation, would be adversely affected by passage of this amendment. For these reasons and the others so adequately outlined by the gentleman from Philadelphia, Senator Rocks, and the gentleman from Delaware, Senator Bell, I once again urge a “no” vote on the amendment before us.

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

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

YEAS—6			
Corman	Hopper	Stäuffer	Wilt
Hager	Kusse		
NAYS—40			
Andrezeski	Howard	O’Connell	Shumaker
Bell	Jubelirer	O’Pake	Singel
Bodack	Kelley	Pecora	Snyder
Brightbill	Kratzer	Reibman	Stapleton
Early	Lincoln	Rhoades	Stout

Fisher	Lloyd	Rocks	Street
Fumo	Loeper	Romanelli	Tilghman
Greenleaf	Mellow	Ross	Wenger
Hess	Moore	Scanlon	Williams
Holl	Musto	Shaffer	Zemprelli

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

The PRESIDENT pro tempore. House Bill No. 1236 will go over, as amended.

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 21 (Pr. No. 3501) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), further providing for refunds for errors in assessments.

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—46

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

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.

SB 38 (Pr. No. 1563) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, further providing for the apportionment and allocation of funds.

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—46

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

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.

BILLS OVER IN ORDER

HB 133, 281 and SB 461 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AMENDED

HB 615 (Pr. No. 3463) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), directing the Department of Environmental Resources to devise and implement a State park and forest development plan to employ Pennsylvania citizens; and authorizing the department to franchise hydroelectric generation activity.

Considered the third time,

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

Amend Sec. 1 (Sec. 1929-A), page 2, line 14, by striking out "1984" and inserting: 1985

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

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

SB 677 (Pr. No. 761) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," establishing a State advisory council within the Department of Public Welfare for services to persons with impaired hearing; and providing for membership on the board.

Considered the third time,

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

Amend Bill, page 3, by inserting between lines 25 and 26:

Section 3. The advisory council for the deaf and hearing impaired shall continue together with its statutory functions and duties until December 31, 1989, when it shall terminate and go out of existence unless reestablished or continued by the General Assembly. The evaluation, review, termination, reestablishment and continuation of the agency shall be conducted pursuant to the provisions of the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Amend Sec. 3, page 3, line 26, by striking out "3" and inserting: 4

On the question,
 Will the Senate agree to the amendment?
 It was agreed to.
 Without objection, the bill, as amended, was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER

SB 678 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER AND RECOMMITTED

SB 978 (Pr. No. 2186) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for access to confidential information.

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

Pursuant to Senate Rule XI, the bill was recommitted to the Committee on Judiciary.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1005 (Pr. No. 1260) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the tax on real estate transfers.

Considered the third time and agreed to,

On the question,
 Shall the bill pass finally?

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

YEAS—46

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

Greenleaf	Loeper	Scanlon	Williams
Hager	Mellow	Shaffer	Wilt
Hess	Moore	Shumaker	Zemprelli
Holl	Musto		

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.

BILLS OVER IN ORDER

SB 1041, HB 1137 and SB 1168 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

HB 1175 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1185 (Pr. No. 2345) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and providing a penalty.

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—46

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

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.

SB 1361 (Pr. No. 2346) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the rights of child victims and witnesses of criminal acts; providing

for the videotaping of testimony in certain cases; authorizing certain services; providing for the testimony of children; and providing for the use of dolls as testimonial aids.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 5984), page 4, line 14, by inserting after "trial.": The defendant shall have the right to take additional depositions upon cause shown.

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, currently in the bill there is a provision which allows for the taking of video tape depositions of child witnesses and victims. However, there is no provision currently which would permit defense counsel in a case like this to ask for an additional deposition if new evidence was found during the course of the trial. It is presumed that the juvenile deposition would be taken pretrial and merely played back to the judge and/or jury at the appropriate time during the presentation of the Commonwealth's case. However, a situation could arise that during that presentation additional evidence could be turned up which would require a competent defense counsel to recross-examine the witness. I think the bill is excellent in every other regard. I think it is good to have a deposition-type situation to remove the child from the forum which would be intimidating the child. However, I do think we have to have a system in order to protect the constitutional rights of any defendant wherein defense counsel would have the right to ask for an additional deposition to cross-examine on those types of issues. Therefore, I would ask that we adopt the amendment.

Senator GREENLEAF. Mr. President, although I am sure the amendment is well-intentioned, one, I do not think it is needed. Secondly, I think it would go to the very heart of what we are trying to do here and that is to protect the child from additional cross-examinations by the defendant. It does allow the court on its own motion to provide for depositions, and I believe under the present bill the court could decide to have additional depositions or expand the depositions if it was necessary. But the way the amendment is prepared, it gives the defendant an additional right which will then subject the child to additional cross-examinations. I think this is exactly what we are trying to avoid, that is, to subject the child to a very clever and skilled defense counsel, wearing that child down by filing motion after motion and having him cross-examined two, three, four, five or whatever times it is. It would, in effect, remove the protection that this child would now have under this bill if this amendment was adopted. I would ask that the amendment be defeated.

Senator FUMO. Mr. President, in response to my colleague's comments, I think the scenario he puts forth would not be permitted to occur because the language in the amendment clearly states that you could not have additional deposi-

tions except upon cause shown. They could not be used for harassment and, quite frankly, my intention in offering this amendment is to protect the constitutionality of the bill. We do nothing for the citizens of the Commonwealth, we do nothing for child victims and witnesses unless we draft a constitutional bill. It would be preposterous for us to think the courts would sit by and allow for this type of legislation to come into effect without guaranteeing effective right of cross-examination, which is one of the very basic constitutional rights we all have. No one is here looking to protect guilty people, but that is after a due process hearing. We are obligated under our Constitution to give everyone due process and constitutional rights to cross-examination. If we do not adopt this amendment, I predict the entire bill will be thrown out in the courts as being unconstitutional and we will have done nothing to help anyone. I, therefore, ask for some sort of reason in this matter.

Mr. President, I understand there is going to be a Supplemental Calendar tonight anyway on bills that are amended. This bill still could be passed this evening. I think it is very, very wrong for us to overlook this very serious constitutional void in this piece of legislation.

Senator BELL. Mr. President, I listened to the gentleman from Philadelphia, Senator Fumo, in his first and second speech very carefully. The gentleman is talking about the constitutional rights of a defendant. Now I am not going to speak as a lawyer, but as one who tries to keep abreast of what is going on in this country. I have noticed there has been a re-definition by the Supreme Court of the United States in respect to constitutional rights. It seems like the Supreme Court of the United States is now starting to recognize the constitutional rights of victims. I am convinced that young people, prospective victims, also have constitutional rights. That is why I oppose this amendment. If it is going to be a constitutional question, let the courts decide it. I am going to vote on behalf of the young people.

The PRESIDING OFFICER (Richard A. Snyder) in the Chair.

Senator O'PAKE. Mr. President, I also rise in opposition to this amendment. I can sympathize with what my colleague, the gentleman from Philadelphia, Senator Fumo, is trying to say and do. However, I think the language under the present bill does permit what the gentleman seeks to write into the bill.

I want to commend the gentleman from Montgomery, Senator Greenleaf, for taking the time this summer to thoroughly, as Chairman of that subcommittee, explore and balance the interests involved here. I am firmly convinced this bill is constitutional as it is now written. I am tired of hearing about the emotional wringers we subject child victims to under the guise of the criminal justice system. The problem has been that you cannot treat children the same as you do adults. It is hard enough for an adult to stand up in court in composure and remember and relate exactly what happened in these kinds of revolting and disgusting crimes. I think the wording of the bill is a good balancing of these interests. I

think it is constitutional. I do not think we should write a law that invites defense counsel to put children through this traumatic experience time and time again, not for the seeking of the finding of truth but merely to get a person off. I think under the language the court on its own motion may, for good cause shown, order the taking of a deposition. I think that is adequate. I urge we get on with this, pass this bill and send it to the House. We cannot wait any longer.

Senator WILLIAMS. Mr. President, I, too, am sick and tired of hearing empty phrases that produce nothing, all in the name sometimes of motherhood, children and the like. It is convenient politically nowadays to talk in certain tones. The amendment that the gentleman from Philadelphia, Senator Fumo, offers merely says to this Body, as has been exhibited time and time in the past, the rush to pass something that will be judged improper and unconstitutional is all the gentleman is saying. We have spent millions of dollars doing that, pursuing political butterflies. His amendment merely says, on cause shown, additional depositions should be had. We went over this bill, and I would say no defendant can constitutionally be subjected to this legislation. In one simple example, let us say that there was some after-discovered evidence and he wants to use that child in relationship to the child witness. If he could not do that and did not have that opportunity, it would not be consistent with the constitutional guarantee already in the Constitution that you have the right to face and cross-examine your witnesses of whatever age, and there are rules provided for that. To downplay an amendment which merely says the gentleman from Philadelphia, Senator Fumo, also wants to protect children, but he wants to be honest and say he wants that actually done. He does not want a pyrrhic victory or political rhetoric where everybody praises children but does as little as possible about them.

The gentleman from Berks, Senator O'Pake, indicates this is to protect children. I want to say that already in our law there are procedures to do that. I think the gentleman from Montgomery, Senator Greenleaf, and probably the gentleman from Berks, Senator O'Pake, and I have represented cases in which there have been children in Pennsylvania and there are already limitations to protect them from certain things if we enlarge on that. There is no serious problem, in my estimation, that is not normal to all adults and senior citizens and whatnot that when children do have a problem, let us face that, but across the board to say children can do it on video and pass that as though we have done something is improper, it is incorrect and it is not possible. Whatever way one may vote on this issue to downplay and place in a corner another Senator who is merely trying to say, "It ain't going to work," I think is wrong. I think people have guts enough to look at the issue that is presented. In this case, just because we are talking about children, everybody loves children, but to suggest it is possible to carve out different rules that are not there, to me is kind of empty.

Mr. President, I want to congratulate the gentleman from Philadelphia, Senator Fumo, for trying to get at the root of the matter and for trying to get something legal on the books

that will treat this problem. In closing, I want to guarantee a promise that if this law passes, as so many others in the future, two years or three years from now, we will have some bestial convict get off because we have acted in this fashion. I support the amendment as an effort to make the provision somewhat constitutionally possible because it tries to confront the very basic constitutional privilege which has not been overturned, the constitutional right of facing your accuser and the right of cross-examination.

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

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

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

YEAS—5			
Fumo	Scanlon	Singel	Williams
Mellow			
NAYS—40			
Andrezeski	Hopper	Musto	Shumaker
Bell	Howard	O'Connell	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Greenleaf	Lincoln	Rocks	Tilghman
Hager	Lloyd	Romanelli	Wenger
Hess	Loeper	Ross	Wilt
Holl	Moore	Shaffer	Zemprelli

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

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

It was agreed to.

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

On the question,
Shall the bill pass finally?

Senator FUMO. Mr. President, on the bill without the amendment, I rise to say I intend to vote for it and I guess I will join the stampede mentality here tonight, but I want the record to indicate clearly that I do so with great trepidation because of the problems with this bill so that when we come back in three years and have to enact another bill because the courts found this unconstitutional, my remarks will at least be in the record so I could say I told you so. I would hope we would have offered more time to legitimate debate and discussion on the issue. I heard the comments of the gentleman from Delaware, Senator Bell, as I hear them every single time we talk about the constitutional rights of a defendant. We have to worry about the constitutional rights of the victim and I agree with that, but not to the extent that we are going to hurt the very victims we are trying to help by giving smart defense lawyers a loophole in the law to have cases overturned that are absolutely heinous because we, in our mentality, had to hurry

up and get something done and thought if we did something we might think was right, some people may construe it as being against children or whatever have you. With those remarks, Mr. President, I do intend to vote for the bill, hoping I do not have to come back at some future time after the courts rule it unconstitutional, but knowing that I will.

And the question recurring,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 1382 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1419 (Pr. No. 2081) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 20, 1949 (P. L. 1633, No. 493), entitled, as reenacted and amended, "Housing and Redevelopment Assistance Law," further providing for grant authorizations.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—45

Andrezeski	Howard	O'Connell	Singel
Bell	Jubelirer	O'Pake	Snyder
Brightbill	Kelley	Pecora	Stapleton
Corman	Kratzer	Reibman	Stauffer
Early	Kusse	Rhoades	Stout
Fisher	Lincoln	Rocks	Street
Fumo	Lloyd	Romanelli	Tilghman
Greenleaf	Loeper	Ross	Wenger

Hager	Mellow	Scanlon	Williams
Hess	Moore	Shaffer	Wilt
Holl	Musto	Shumaker	Zemprelli
Hopper			

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.

SB 1446 (Pr. No. 2129) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the power of county commissioners to fix salaries.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—46

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 1455 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1505 (Pr. No. 2315) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled, as amended, "Child Protective Services Law," authorizing the department to verify the existence of certain records; and requiring child care facilities to obtain certain records before hiring new employees.

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?

Senator O'PAKE. Mr. President, very briefly, there are two reasons why we should pass this bill. First of all, while Pennsylvania has been very fortunate in not having the widely publicized Manhattan Beach, California or Bronx, New York daycare sexual exploitation scandals, new data indicates that Pennsylvania is not immune from the widely publicized atrocities reported in these other states. In the first six months of 1984, Pennsylvania has received more reports of abuse in daycare centers than in all of 1983. The new information also shows an alarming incidence of sexual abuse committed by foster parents and staff members of twenty-four hour group homes and other juvenile residential facilities. While there were twenty-eight substantiated incidents of sexual abuse of children by foster parents and residential staff in all of 1983, the latest data sorrowfully shows there were twenty-four substantiated incidents of sexual abuse in the same settings in only the first six months of 1984. That means that when the data is available for all of 1984, statistics on the number of incidents of sexual abuse committed by foster parents and staff employees at residential child care facilities in Pennsylvania could be nearly double the total for all of 1983, so the first reason to pass this quickly is to make certain that child abusers are not hired to take care of children in Pennsylvania.

The second reason is a monetary one, and that is to qualify Pennsylvania for generous federal funding in the child abuse prevention area. Final action on this legislation should entitle Pennsylvania to up to \$2.5 million in federal funding for the training of child care workers in child development and in the prevention of child abuse. This funding, the level of which is now being debated as an eleventh hour amendment to the federal budget, will only be made available to those states that have enacted legislation like this to screen child care job applicants.

I urge prompt consideration by the Senate and by the House of Representatives. This is a problem that cannot wait until 1985.

And the question recurring,
Shall the bill pass finally?

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

YEAS—46

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

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.

SB 1513 (Pr. No. 2321) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the public availability of law enforcement records concerning certain children.

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—46

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

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 1579 (Pr. No. 3590) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for duties and jurisdiction of the Municipal Court of Philadelphia and bail commissioners; providing for interpreters for deaf persons in civil proceedings; and repealing certain acts relating to the assignment of counsel and compensation of counsel assigned to represent defendants in counties of the first class.

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—46

Andrezeski	Hopper	O'Connell	Singel
Bell	Howard	O'Pake	Snyder
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kelley	Reibman	Stauffer
Corman	Kratzer	Rhoades	Stout

Early	Kusse	Rocks	Street
Fisher	Lincoln	Romanelli	Tilghman
Fumo	Lloyd	Ross	Wenger
Greenleaf	Loeper	Scanlon	Williams
Hager	Mellow	Shaffer	Wilt
Hess	Moore	Shumaker	Zemprelli
Holl	Musto		

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.

BILLS ON THIRD CONSIDERATION AMENDED

HB 1630 (Pr. No. 3564) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the adoption of capital projects to be financed from the current revenues of the Motor License Fund.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 1, line 21, by striking out "\$247,594,000" and inserting: \$248,487,000

Amend Sec. 2, page 48, by inserting between lines 11 and 12:

(ii) Construction of Gilmour Bypass Road in Somerset Boro. from S.R. 601 in the vicinity of the Turnpike Interchange to the intersection of S.R.281 and L.R.55169	893,000	893,000
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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 KUSSE, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 1, line 21, by striking out "\$247,594,000" and inserting: \$236,264,000

Amend Sec. 2, page 3, lines 24 through 28, by striking out all of said lines

Amend Sec. 2, page 10, lines 26 through 30; page 11, lines 1 through 5, by striking out all of said lines on said pages

Amend Sec. 2, page 11, line 6, by striking out "(V)" and inserting: (iv)

Amend Sec. 2, page 20, lines 16 through 30; page 21, lines 1 through 4, by striking out all of said lines on said pages and inserting:

- (i) L.R.131,
- T.R. 1,
- Interchange with

T.R. 352, Middletown Twp., Interchange Improvements, Length 0.2 Mile....	1,500,000	375,000	187,000	2,062,000
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Amend Sec. 2, page 22, lines 1 through 30; page 23, lines 1 through 3, by striking out all of lines 1 through 30 on page 22, all of lines 1 and 2 and "(V)" in line 3 on page 23 and inserting: (iii)

Amend Sec. 2, page 23, line 10, by striking out "(VI)" and inserting: (iv)

Amend Sec. 2, page 34, lines 3 through 9, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1631 (Pr. No. 3565) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," approved December 8, 1982 (P. L. 848, No. 235), adding or amending various State and local bridge projects in various counties of the Commonwealth and adding a highway and safety project in Delaware County.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

ROMANELLI AMENDMENT

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

Amend Sec. 1 (Sec. 2), page 1, line 20, by striking out "\$1,061,841,950" and inserting: \$1,062,041,950

Amend Sec. 1 (Sec. 2), page 2, line 16, by striking out all of said line and inserting: \$282,931,950.

Amend Sec. 2 (Sec. 3), page 7, by inserting between lines 11 and 12:

<u>(TTT) City of Pittsburgh, Feasibility study for Bridge over Monongahela River connecting Becks Run Road with the 15th Ward in the City of Pittsburgh.....</u>	<u>200,000</u>	<u>200,000</u>
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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?

REIBMAN AMENDMENT

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

Amend Sec. 1 (Sec. 2), page 1, line 20, by striking out “\$1,061,841,950” and inserting: \$1,061,979,950
 Amend Sec. 1 (Sec. 2), page 2, line 16, by striking out “\$282,731,950” and inserting: \$282,869,950
 Amend Sec. 2 (Sec. 3), page 53, by inserting between lines 12 and 13:

(J) Upper Mt. Bethel Twp., County Bridge 199 over Jacoby Creek, Bridge Replacement, Length 0.1 Mile...	<u>120,000</u>	<u>6,000</u>	<u>12,000</u>	<u>138,000</u>
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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?

SCANLON AMENDMENT

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

Amend Sec. 1 (Sec. 2), page 1, line 20, by striking out all of said line and inserting: \$1,070,794,950.
 Amend Sec. 1 (Sec. 2), page 2, line 16, by striking out all of said line and inserting: \$291,684,950.
 Amend Sec. 2 (Sec. 3), page 7, by inserting between lines 11 and 12:

(TTT) Pittsburgh, Fort Pitt Blvd. East Bound Bridge Replace- ment	<u>2,396,000</u>	<u>266,000</u>	<u>2,662,000</u>
(UUU) Pittsburgh, Market St., Bridge Replace- ment	<u>436,000</u>	<u>48,000</u>	<u>484,000</u>
(VVV) Pittsburgh, Local, McArdle, Viaduct 192 Replace- ment	<u>1,532,000</u>	<u>170,000</u>	<u>1,702,000</u>
(WWW) Pittsburgh, Local, Western Ave., Bridge Replace- ment	<u>817,000</u>	<u>91,000</u>	<u>908,000</u>
(XXX) Pittsburgh, South Highland Ave., Bridge Replace- ment	<u>223,000</u>	<u>25,000</u>	<u>248,000</u>
(YYY) Pittsburgh, South Millvale Ave., Bridge Replace- ment	<u>871,000</u>	<u>97,000</u>	<u>968,000</u>
(ZZZ) Pittsburgh, North Ave. and Brighton Ave., Bridge Replace- ment	<u>697,000</u>	<u>77,000</u>	<u>774,000</u>
(AAAA) Pittsburgh, 28th St., Bridge Replace- ment	<u>360,000</u>	<u>40,000</u>	<u>400,000</u>
(BBBB) Pittsburgh,			

South Negley Ave., Bridge Replace- ment	<u>258,000</u>	<u>29,000</u>	<u>287,000</u>
(CCCC) Pittsburgh, Shaler St., Bridge Replace- ment	<u>468,000</u>	<u>52,000</u>	<u>520,000</u>

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?

KUSSE AMENDMENT I

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

Amend Sec. 1 (Sec. 2), page 1, line 20, by striking out all of said line and inserting: \$1,063,151,950.
 Amend Sec. 1 (Sec. 2), page 2, line 7, by striking out “\$779,110,000.” and inserting: \$780,020,000.
 Amend Sec. 1 (Sec. 2), page 2, line 16, by striking out all of said line and inserting: \$283,131,950.
 Amend Sec. 2, page 2, line 19, by inserting after “(22)(1),”: (23)(ii),
 Amend Sec. 2 (Sec. 3), page 14, by inserting between lines 16 and 17:

(A) Malvern, Bridge St., Bridge [Rehabili- tation.....	<u>36,000</u>	<u>4,000</u>	<u>40,000]</u>
Replacement, PUC C-823390..	<u>400,000</u>	<u>40,000</u>	<u>440,000</u>

Amend Sec. 2 (Sec. 3), page 31, by inserting between lines 11 and 12:

(23) Delaware County

* * *

(ii) State Bridges

* * *

(BB) L.R.225, T.R.320 over Amtrak at Station 784 + 21 at Villanova, Bridge Replace- ment.....	<u>800,000</u>	<u>30,000</u>	<u>80,000</u>	<u>910,000</u>
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* * *

Amend Sec. 5 (Sec. 7), page 58, line 20, by striking out “\$779,110,000” and inserting: \$780,020,000

Amend Sec. 5 (Sec. 10), page 58, line 27, by striking out “\$779,110,000” and inserting: \$780,020,000

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?

KUSSE AMENDMENT II

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

Amend Title, page 1, line 9, by inserting a period after "Commonwealth"

Amend Title, page 1, lines 9 and 10, by striking out "; AND ADDING A HIGHWAY AND SAFETY PROJECT" in line 9 and all of line 10

Amend Sec. 1 (Sec. 2), page 1, line 20, by striking out "\$1,061,841,950" and inserting: \$1,063,527,950

Amend Sec. 1 (Sec. 2), page 2, line 7, by striking out "\$779,110,000" and inserting: \$780,240,000

Amend Sec. 1 (Sec. 2), page 2, line 16, by striking out "\$282,731,950" and inserting: \$283,287,950

Amend Sec. 2, page 2, line 19, by inserting after "(22)(I)": (23)(ii),

Amend Sec. 2, page 2, line 21, by inserting after "(38)(I)": and (ii)

Amend Sec. 2 (Sec. 3), page 7, by inserting between lines 11 and 12:

<u>(TTT) South Park</u> <u>Twp. and</u> <u>Jefferson Boro.,</u> <u>Cochran Mill</u> <u>Bridge Rd.</u> <u>Work and</u> <u>Bridge Replace-</u> <u>ment</u>	500,000	56,000	556,000
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Amend Sec. 2 (Sec. 3), page 11, by inserting between lines 16 and 17:

<u>(U) L.R.362(014),</u> <u>PA 232: Second</u> <u>Street Park</u> <u>Bridge:</u> <u>Railroad Bridge</u> <u>Over Conrail,</u> <u>Upper Southampton</u> <u>Twp., South of</u> <u>Turnpike: Bridge</u> <u>Replacement, Length</u>	96,000	2,000	22,000	120,000
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Amend Sec. 2 (Sec. 3), page 31, by inserting between lines 11 and 12:

(23) Delaware County

* * *
(ii) State Bridges
* * *

<u>(BB) L.R.23068,</u> <u>Providence Rd.</u> <u>from the</u> <u>Intersection with</u> <u>Lansdowne Rd. to</u> <u>0.5 mile west of</u> <u>Darby Creek in</u> <u>Darby Boro.,</u> <u>Upper Darby</u> <u>Twp. and Yeadon</u> <u>Boro.: Recon-</u> <u>struct, Widen,</u> <u>Repave Roadway</u> <u>and Replace and</u> <u>Widen Darby</u> <u>Creek Bridge:</u> <u>Length about</u> <u>0.75 mile.</u>	300,000
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* * *
Amend Sec. 2 (Sec. 3), page 46, by inserting between lines 26 and 27:

(ii) State Bridges

* * *

<u>(F) L.R.39107,</u> <u>Vera Cruz</u> <u>Rd. near</u> <u>Twp. Rd. 410,</u> <u>Upper Saucon Twp.:</u> <u>Construct</u> <u>Bridge over</u> <u>Sinkhole:</u> <u>Length</u>	600,000	20,000	90,000	710,000
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Amend Bill, page 57, lines 9 through 30; page 58, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 5, page 58, line 11, by striking out "5" and inserting: 3

Amend Sec. 5 (Sec. 7), page 58, line 20, by striking out "\$779,110,000" and inserting: \$780,240,000

Amend Sec. 5 (Sec. 10), page 58, line 27, by striking out "\$779,110,000" and inserting: \$780,240,000

Amend Sec. 6, page 59, line 4, by striking out "6" and inserting: 4

Amend Sec. 7, page 59, line 8, by striking out "7" and inserting: 5

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?

KUSSE AMENDMENT III

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

Amend Sec. 2 (Sec. 3), page 57, by inserting between lines 8 and 9:

(66) York County

* * *

(ii) State Bridges

* * *

<u>(N) L.R.128,</u> <u>Pa.462, Stoney</u> <u>Brook-East Market</u> <u>Street Bridge</u> <u>over Conrail,</u> <u>Springettsbury</u> <u>Twp., Bridge</u> <u>Replacement,</u> <u>Length</u>	1,125,000	125,000	1,250,000
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Amend Sec. 3 (Sec. 4), page 57, line 15, by striking out "\$115,997,000" and inserting: \$117,247,000

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1856 (Pr. No. 3507) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for vacancies in office; and further providing for the expenses of county officers attending annual meetings.

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. 401), page 2, line 8, by removing the period after "409" and inserting: or until the first Monday in January following the next municipal election, whichever period is shorter.

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 1872 (Pr. No. 3555) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for taxes on admissions prices to ski facilities; providing restrictions on mercantile and business gross receipts taxes.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 23, by striking out "AND" where it appears the first time

Amend Title, page 1, line 24, by removing the period after "TAXES" and inserting: ; and excluding from the authority to levy realty transfer taxes transfers between brothers and sisters or their spouses.

Amend Sec. 1 (Sec. 2), page 3, line 29, by inserting after "GRANDCHILD,": or on a transfer between brother and sister or brother and brother or sister and sister or the spouse of such brother or sister,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 164 and 291 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 419 (Pr. No. 458) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for coverage of qualified persons.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 552 and SB 598 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL REREFERRED

SB 674 (Pr. No. 758) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for courts to impose an order of probation with certain payments for use of the county; and providing for the disposition of such payments.

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

BILLS OVER IN ORDER

SB 814, HB 981, 982 and SB 1002 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

SB 1057 (Pr. No. 1341) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania International Trade Council; granting powers and duties; and making an appropriation.

Considered the second time and agreed to,

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

HB 1235 (Pr. No. 2124) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey a tract of land in South Heidelberg Township, Berks County, Pennsylvania.

Considered the second time and agreed to,

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

BILL OVER IN ORDER AND RECOMMITTED

SB 1350 (Pr. No. 1908) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled "The Fiscal Code," further providing for requisitions out of any fund in the State Treasury.

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

Pursuant to Senate Rule XI, the bill was recommitted to the Committee on Finance.

BILLS ON SECOND CONSIDERATION

SB 1472 (Pr. No. 2226) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 7, 1961 (P. L. 257, No. 151), entitled "An act providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes;....," removing the maximum limitation upon the cost of roadside rests; and making editorial changes.

Considered the second time and agreed to,

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

SB 1481 (Pr. No. 2246) — The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain interchange in Mercer County as the Gordon Ward Interchange.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1501 and 1521 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

SB 1523 (Pr. No. 2297) — 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," requiring the reporting of incidents of possible professional misconduct.

Considered the second time and agreed to,

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

SB 1524 (Pr. No. 2298) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 20, 1974 (P. L. 551, No. 190), entitled "Medical Practice Act of 1974," authorizing temporary suspensions of licenses.

Considered the second time and agreed to,

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

HB 1534 (Pr. No. 3578) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "County and Municipal State Highway Law," approved September 18, 1961 (P. L. 1389, No. 615), further providing for the Commonwealth's maintenance obligations; and making a repeal.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 1661 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 1745 (Pr. No. 3584) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a system for the collection of municipal liens and tax claims in cities of the second class through the sale of real property encumbered by such liens and claims; abolishing the office of solicitor for liens for delinquent taxes, rates, claims and charges in cities of the second class; authorizing the treasurer to conduct treasurer's sales and granting the treasurer certain powers in connection therewith; providing a structure for the conduct of the sale; setting up a system whereby the properties at treasurer's sale are acquired, administered, maintained and resold for the benefit of cojurisdictional taxing bodies; providing for the redemption of the property within 90 days of sale; providing a means for establishing title to real property taken at treasurer's sale; providing for cooperation among cojurisdictional taxing bodies; and preserving rights not specifically repealed.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 1822 (Pr. No. 3133) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for taxes on admissions prices to golf courses.

On the question,

Will the Senate agree to the bill on second consideration?

Senator JUBELIRER. Mr. President, I request House Bill No. 1822 go over in its order.

Senator EARLY. Mr. President, I object to House Bill No. 1822 going over in its order, and I ask for a roll call vote.

Senator JUBELIRER. Mr. President, I move House Bill No. 1822 go over in its order.

On the question,

Will the Senate agree to the motion?

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

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

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

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

YEAS—24

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

NAYS—23

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

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

The PRESIDENT pro tempore. House Bill No. 1822 will go over in its order.

BILL REREFERRED

HB 1987 (Pr. No. 3560) — The Senate proceeded to consideration of the bill, entitled:

An Act to provide for the establishment of a Commonwealth Commission on the Bicentennial of the United States Constitution; and making an appropriation.

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

Senator JUBELIRER. Mr. President, I move that House Bill No. 1987 be rereferred to the Committee on Appropriations.

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

LEAVE CANCELLED

Senator LEWIS. Mr. President, would the record simply reflect my personal leave has been cancelled and that I voted on the last bill and will do so on the remaining bills on this Calendar?

The PRESIDENT pro tempore. The Chair thanks the gentleman and notes with pleasure his presence upon the floor.

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

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 1987 will be referred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 2095 (Pr. No. 3566) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "buses"; exempting additional vehicles from certificates of title and registration; further providing for suspensions or revocations; changing certain point determinations, the removal thereof and suspensions and license surrender; further providing for no passing zones; further providing that certain vehicles carrying hazardous materials stop at all railroad crossings; further providing for certain inspections, for restrictions on the use of highways and bridges; further providing for the refund of certain taxes and the utilization of tax refunds for snowmobiles; changing the methods of determining noise violations; providing for judicial review and notices; and adding violations relating to drivers' licenses; and further providing for certain penalties.

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

Senator JUBELIRER. Mr. President, I move that House Bill No. 2095 go over in its order.

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

Senator SINGEL. Mr. President, I would object to the motion to take the bill over and ask for a roll call vote.

LEGISLATIVE LEAVE

Senator SCANLON. May I request Capitol leave for Senator Zemprelli?

The PRESIDENT pro tempore. Is there objection to the granting of Capitol leave for Senator Zemprelli? The Chair sees none. The leave will be granted.

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

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

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

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

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

YEAS—25

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

NAYS—21

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

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

The PRESIDENT pro tempore. House Bill No. 2095 will go over in its order.

HB 1175 CALLED UP

HB 1175 (Pr. No. 3583) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

HB 1175 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SUPPLEMENTAL CALENDAR NO. 1

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1236 (Pr. No. 3630) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring chemical identification of substances in the community and on employer premises; requiring the posting of the identity of these substances by employers and the labeling of chemicals; requiring information and safety data on chemicals to be given to the Department of Labor and Industry, members of the community, and employees; requiring employers to operate educational programs relating to hazardous substances; providing for further duties of the Department of Labor and Industry, for complaint procedures, for investigations, for compliance orders and the enforcement thereof; and providing penalties.

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 following prepared statement was made a part of the record at the request of the gentleman from Philadelphia, Senator ROCKS:)

Mr. President, I proudly stand to ask every Member of this Senate to cast his or her final vote in support of House Bill No. 1236.

As each Member of this Body knows, for three full months now a process of extremely serious, sensitive and difficult negotiations has been conducted between the captains of industry in our great state and the Pennsylvania leaders of labor, to provide for us, this night, a "right to know" bill. As this bill hopefully returns to the House of Representatives for its final consideration, I believe it is important that several points be made. First, for the second time in this term of the General Assembly on two of the most far-reaching and difficult issues that our Legislature has addressed, business and labor in our state have, in historic and forward looking fashion, sat together in an attempt to understand each others concerns. The first, as we all are aware, dealt with \$3 billion dilemma in unemployment compensation. While that compromise and this Legislature's action in the summer of 1983 could not have been perfect, the entire nation looks today at an important northeastern industrialized state that has put solidly on the road to solvency our Unemployment Compensation Fund.

As in that issue and related to the "right to know" legislation we are about to vote upon, not everyone was happy.

Mr. President, any time we address the great issues, the difficult ones, the ones that we have a responsibility as elected leaders to ultimately face and attempt to solve when we have reached the point of compromise, not everyone will be happy nor satisfied. That is true tonight in addressing House Bill No. 1236.

The Pennsylvania House of Representatives, in overwhelming fashion, passed a bill that made it more than evident that the dangers of hazardous substances and chemicals in Pennsylvania's workplace and in our communities had become an issue that we were going to address.

I stand tonight to commend the special leadership of my Republican counterpart from the Senate Committee on Labor and Industry, Senator Noah Wenger. I also believe it is important to note that in 1984 this state is blessed with two extraor-

dinary leaders at the head of the Pennsylvania Chamber of Commerce and the Pennsylvania AFL-CIO. Clifford Jones and Julius Uehlein come from different worlds and that is clearly understood, but, as leaders in this state, they show that rare ability to understand what is ultimately best for Pennsylvania and all of its people. Not every faction of the business community is happy with the final version of this legislation, and I assure you that through some very long and very difficult hours, not every proponent of "right to know" legislation is fully satisfied with what is presently here tonight with the Senate amended version of House Bill No. 1236. But, Mr. President and distinguished colleagues of the Senate, I assure you this bill comes before you finally to provide the workingmen and women of this state safeguards in the working place from hazardous substances and chemicals that in many of their daily lives are a danger and the cause of many known and unknown concerns.

At the same time this bill encompasses many provisions to provide to the business and corporate structure of Pennsylvania, in its daily competitive environment, many safeguards sensitive to their economic interest and the entire economic future of this Commonwealth.

This legislation is substantive and in many parts highly technical. I have stood with the gentleman from Lancaster, Senator Wenger, for many weeks now prepared to discuss both that substance and the technicalities involved with any fellow Senator and a tremendous number of greatly varied interests in our state.

I stand here tonight in asking for your final vote on this bill, again prepared to answer any questions you may have. In the end I want to assure you I am convinced this legislation is right for Pennsylvania today and right for our future.

I am finally convinced that in addressing this issue, Pennsylvania will have passed for its workingmen and women and every community we represent, the most meaningful "right to know" legislation in this nation, accompanied again with an increasingly clear message from this state that for the good of our state, our people and our future, Pennsylvania's business and labor can understand each other, tackle even our most difficult issues and move forward.

I thank my leadership in the Democratic caucus for the tremendous support I have been given in dealing with this legislation, and because of an extraordinary number of late nights and tense hours, I thank both Senator Wenger's staff and my staff for a job extremely well done. I urge an affirmative vote.

And the question recurring,

Shall the bill pass finally?

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

YEAS—45

Andrezeski	Howard	O'Connell	Singel
Bell	Jubelirer	O'Pake	Snyder
Bodack	Kelley	Pecora	Stapleton
Brightbill	Kratzer	Reibman	Stauffer
Corman	Lewis	Rhoades	Stout
Early	Lincoln	Rocks	Street
Fisher	Lloyd	Romanelli	Tilghman
Fumo	Loeper	Ross	Wenger

Greenleaf	Mellow	Scanlon	Williams
Hess	Moore	Shaffer	Wilt
Holl	Musto	Shumaker	Zemprelli
Hopper			

NAYS—2

Hager Kusse

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.

SB 1085 TAKEN FROM THE TABLE

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 1085, Printer's No. 2180, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator LOEPER,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

August 6, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Pamela Z. Bryan, 6530 Beacon Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1985, and until her successor has been appointed and qualified, vice Diana R. Rose, Pittsburgh, confirmed to another position.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF EBENBURG CENTER

August 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 Geneieva Schaefer, 565 Hiedelburg Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice Frank Miller, Johnstown, resigned.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF EDUCATION

September 4, 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. Paul R. Vochko, 1531 Woodside Drive, Ambridge 15003, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 1989, and until his successor is appointed and qualified, vice Frank Sullivan, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE HEALTH CARE POLICY BOARD

August 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 Dwayne Cooper, R. D. 1, Highland Drive, Industry 15052, Beaver County, Forty-sixth Senatorial District, for appointment as a member of the Health Care Policy Board, to serve until March 25, 1986, and until his successor is appointed and qualified, vice Thomas F. Duzak, Pittsburgh, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF SCRANTON STATE SCHOOL FOR THE DEAF

August 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 April Nelson, 260 Leopard Road, Berwyn 19312, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Marie E. Marzani, Esquire, Peckville, terminated.

DICK THORNBURGH.

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

September 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 Robert J. Habeeb (Motor Vehicle Salesman), 817 Griffin Pond Road, Clarks Summit 18411, Lackawanna County, Twenty-second 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 that period.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF ACCOUNTANCY

September 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 Elmo M. Clemente, C.P.A. (Central), 584 Wyoming Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond the expiration of that period.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—47

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

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 COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

September 6, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Renee G. Forne, 426 Lincoln Avenue, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve for three years or for so long as she is a full-time undergraduate student in attendance at the university, whichever period is shorter, vice Theodore E. Fick, Indiana, graduated.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

September 4, 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 M. Jackson, Esquire, 1801 John F. Kennedy Boulevard, Philadelphia 19103, Philadelphia County, Second Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1986, vice the Honorable Thomas N. Shiomos, resigned.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

September 28, 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 Wilhelm F. Knauer, Jr., Esquire, 26P - 1420 Locust Street, Philadelphia 19102, Philadelphia County, Eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1986, vice the Honorable Paul M. Chalfin, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
NORRISTOWN STATE HOSPITAL

September 4, 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 Rose Hunsicker, 822 Buttonwood Street, Norristown 19401, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Suzanne Felix, Maple Glen, resigned.

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 PRESIDENT pro tempore. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

September 24, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 6, 1984 for the appointment of Monsignor Andrew McGowan, St. Pius X Seminary, Dalton 18414, Lackawanna County, Twenty-second Senatorial District, 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, vice F. Otto Haas, Ph.D., Ambler, confirmed to another position.

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

DICK THORNBURGH.

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY**

September 26, 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 September 25, 1984 for the appointment of Lawrence B. Abrams, III, 1812 Walnut Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of three years and until his successor is appointed and qualified, pursuant to Act 280, approved December 14, 1982.

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

DICK THORNBURGH.

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

September 24, 1984.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 5, 1984 for the reappointment of Harry G. Gorton (Public Member), 2126 Eastern Avenue, Wesleyville 16510, Erie County, Forty-ninth Senatorial District, 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.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

APPROVAL OF PUC REGULATION

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following PUC regulation has been recommended for approval to the Independent Regulatory Review Commission: I-8009038.

REPORTS FROM COMMITTEES

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

HB 2281 (Pr. No. 3186)

An Act designating a dam in Allentown, Lehigh County, as the Samuel W. Frank Memorial Dam.

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

SB 1369 (Pr. No. 2320) (Rereported)

An Act requiring police departments to immediately initiate an investigation upon receipt of a report of a missing minor; providing for a Statewide register for missing children; and imposing powers and duties on the State Police and local law enforcement agencies.

HB 265 (Pr. No. 3628) (Amended)

An Act amending the act of July 3, 1984 (No. 26A), entitled "An act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania," increasing the appropriation for the operation and maintenance of the school.

HB 353 (Pr. No. 3629) (Amended) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for duties and jurisdiction of the Municipal Court of Philadelphia and for compensation of district justices assigned to additional duties.

HB 1119 (Pr. No. 1278) (Rereported)

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

HB 1317 (Pr. No. 3016) (Rereported)

An Act providing for the certification of professional geologists.

Senator FISHER, from the Committee on Environmental Resources and Energy, reported the following bill:

SB 622 (Pr. No. 690)

An Act amending the act of October 4, 1978 (P. L. 864, No. 167), entitled "Storm Water Management Act," further providing for storm water plans review by the department, municipal ordinances and civil remedies.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Michael J. Veshecco, Sr. by Senator Andrezeski.

Congratulations of the Senate were extended to John P. Ryan by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Alexander Filipowski and to Mr. and Mrs. George E. Arent, Sr. by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Claude C. Horne, Brian Douglas Baker, Beatrice B. Baer and to Kish Apartments of Lewistown by Senator Corman.

Congratulations of the Senate were extended to Jon M. Katona and to Mr. and Mrs. Norman P. Manners by Senator Early.

Congratulations of the Senate were extended to Mrs. Elizabeth DeCesare and to John Ribecchi by Senator Fumo.

Congratulations of the Senate were extended to Mrs. Lottie Drake by Senator Greenleaf.

Congratulations of the Senate were extended to The National Association of State Boards of Education and The Tobacco Institute by Senator Hess.

Congratulations of the Senate were extended to The Community Ambulance Association of Ambler, Towamencin Volunteer Fire Company and to Al's Cold Cuts Softball Team by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. John Tucci by Senator Jubelirer.

Congratulations of the Senate were extended to John T. Welsh, Sr. by Senators Lewis and Howard.

Congratulations of the Senate were extended to Mr. and Mrs. Al Sixsmith by Senator Lloyd.

Congratulations of the Senate were extended to Harold Grow by Senator Mellow.

Congratulations of the Senate were extended to Saints Peter and Paul Roman Catholic Church of Avoca by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Manuel C. Elmer and to Mr. and Mrs. Frank Zahrobsky by Senator Pecora.

Congratulations of the Senate were extended to the Exchange Club of Northampton and to Edward Ruyak by Senator Reibman.

Congratulations of the Senate were extended to Lloyd "Doc" Carlson by Senator Ross.

Congratulations of the Senate were extended to the Very Reverend Monsignor John Yurcisin by Senator Singel.

Congratulations of the Senate were extended to Sister M. Crescentia Lau by Senator Snyder.

Congratulations of the Senate were extended to Mr. and Mrs. Lewis P. Angotti, Mr. and Mrs. Frank Chiera and to Mr. and Mrs. Alex Liggett by Senator Stout.

Congratulations of the Senate were extended to Mary G. Orr by Senator Wilt.

BILLS ON FIRST CONSIDERATION

Senator BELL. 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 622, HB 265, 1863, 2100, 2196 and 2281.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator SINGEL. Mr. President, if I may ask the indulgence of the Chamber for just three minutes, I want to indicate my disappointment in not being able to offer an amendment that I think is important, not only from a highway construction viewpoint but also from an economic development standpoint.

During the last three legislative days, I have tried twice to offer an amendment that would have provided for the orderly construction of a grid of toll roads in Pennsylvania. This would be a \$3.7 billion undertaking and would have employed upwards of 32,000 people. My feeling is that we can move expeditiously on this legislation, and I would submit to all of my colleagues it need not be in the context of a complete overhaul of the Turnpike Commission. While those kinds of suggestions have been made and have been carried extensively in the press, it is just possible we could move on the toll road concept independently of a complete disembowelment of the Turnpike Commission. In fact, I would suggest to everybody that would be a practical way to proceed, and then we can handle the issue of turnpike reorganization in a separate piece of legislation.

Not only am I disturbed we have not entered into that debate, and not only am I disturbed we have not achieved that, but we have not even been able to discuss that on the

Senate floor. I really believe the \$3.7 billion program is one of the most significant economic development initiatives ever proposed in this Commonwealth. To put it in some perspective, it is roughly twenty times the level of the \$190 million economic development bond issue we passed last year. Suffice it to say that we are going to keep on trying to offer the amendment until this matter is resolved. Those roads are too important, particularly in western Pennsylvania, to let unfinished as a result of our political bickering.

What sustains me is the hope the Committee of Conference will meet as early as tomorrow morning and will arrive at some compromise that will enable us to move ahead on the construction. With that hope, I would ask all of my colleagues to keep an open mind on the issue so we can move ahead, put the bickering behind us and begin building.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

October 1, 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 Michael F. Dunn (Borough Chief of Police), 100 Fairview Drive, Apt. 107A, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1985, and until his successor is appointed and qualified, vice Edward Wunsch, Feasterville, whose term expired.

DICK THORNBURGH.

DISTRICT JUSTICE

October 1, 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 Melvin Wilson, 550 Poplar Street, Central City 15926, Somerset County, Thirty-second Senatorial District, for appointment as District Justice in and for the County of Somerset, Magisterial District 16-3-02, to serve until the first Monday of January, 1986, vice Anthony F. Muscatello, resigned.

DICK THORNBURGH.

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator LOEPER called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

MEMBER OF THE BOARD OF TRUSTEES OF EMBREEVILLE STATE HOSPITAL

September 28, 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 May 18, 1984 for the appointment of Violet D. Armstead, 295 Northview Drive, Coatesville 19320, Chester County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of Embreeville State Hospital, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice Susan B. Cunningham, resigned.

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

DICK THORNBURGH.

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

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

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

October 1, 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 August 7, 1984 for the reappointment of Edward Wunsch (Township Chief of Police), 104 Sharp Lane, Feasterville 19047, Bucks County, Sixth Senatorial District, as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1985, and until his successor is appointed and qualified.

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

DICK THORNBURGH.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

October 1, 1984

HB 434 — Committee on Consumer Protection and Professional Licensure.

HB 1220 and **2010** — Committee on Banking and Insurance.

HB 1289 — Committee on Public Health and Welfare.

HB 1735 — Committee on Rules and Executive Nominations.

HB 1875 and **2376** — Committee on Local Government.

HB 1983 — Committee on Agriculture and Rural Affairs.

HB 2028, **2245**, **2251** and **2308** — Committee on Environmental Resources and Energy.

HB 2153 — Committee on Judiciary.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

October 1, 1984

Senators BELL, SHUMAKER, BODACK and REIBMAN presented to the Chair **SB 1559**, entitled:

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), entitled "Health Care Services Malpractice Act," requiring insurers to notify the appropriate licensing board in the event of an award against a physician.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 1, 1984.

Senators BELL, RHOADES and SHUMAKER presented to the Chair **SB 1560**, entitled:

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), entitled "Pennsylvania Industrial Development Authority Act," authorizing loans to industrial development agencies for certain projects in certain economic areas.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, October 1, 1984.

Senator GREENLEAF presented to the Chair **SB 1561**, entitled:

An Act requiring statements of ownership by bidders on public contracts; and authorizing preferences.

Which was committed to the Committee on STATE GOVERNMENT, October 1, 1984.

Senator SNYDER presented to the Chair **SB 1562**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the nomination of candidates for justices and judges of the Supreme, Superior and Commonwealth Courts.

Which was committed to the Committee on JUDICIARY, October 1, 1984.

Senator GREENLEAF presented to the Chair **SB 1563**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, permitting the enactment of legislation authorizing increases for spouses of retired members of the public retirement systems.

Which was committed to the Committee on FINANCE, October 1, 1984.

Senators O'CONNELL, SNYDER, KRATZER, KELLEY and ANDREZESKI presented to the Chair **SB 1564**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for the filling of vacancies in certain circumstances.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, October 1, 1984.

Senators SHUMAKER, O'PAKE, KRATZER, ANDREZESKI and HELFRICK presented to the Chair **SB 1565**, entitled:

An Act making an additional appropriation to the Department of Public Welfare for the Bureau of Blindness and Visual Services.

Which was committed to the Committee on APPROPRIATIONS, October 1, 1984.

COMMITTEE OF CONFERENCE APPOINTED ON SB 165

The PRESIDENT pro tempore. The Chair announces, the appointment of Senators GREENLEAF, FISHER and ROMANELLI as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to Senate Bill No. 165.

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

BILL SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the presence of the Senate signed the following bill:

SB 1078.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 2, 1984

11:00 A.M.	LABOR AND INDUSTRY (to consider the nominations of James W. Knepper, Jr., for Secretary of	Room 459, 4th Floor Conference Rm., North Wing
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Labor and Industry and of
Robert P. Fohl as a
member of the Workmen's
Compensation Appeal Board)

- 12:30 P.M. MILITARY AND VETERANS Room 460,
AFFAIRS (to consider 4th Floor
the nominations of Col. Conference Rm.,
Robert E. Harris as North Wing
Brigadier General of the
Pa. Air Nat. Guard; Col.
Pasquale J. Macrone, Jr.
as Brigadier General of
Pa. Army Nat. Guard; Col.
Stewart W. Timmerman as
Brigadier General of Pa.
Air Nat. Guard)
- off the RULES AND EXECUTIVE Rules Committee
floor NOMINATIONS (to consider Conference Rm.
certain Executive Nominations
and House Resolution No. 32)
- off the AGING AND YOUTH
floor (to consider Senate
Resolution No. 147)

THURSDAY, OCTOBER 4, 1984

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

WEDNESDAY, OCTOBER 10, 1984

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

THURSDAY, OCTOBER 18, 1984

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

TUESDAY, NOVEMBER 13, 1984

- 2:00 P.M. BANKING AND INSURANCE Room 461,
(Public Hearing on the 4th Floor
nomination of William R. Conference Rm.,
Muir, for the Office of North Wing
Insurance Commissioner)

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Tuesday, October 2, 1984, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:18 p.m., Eastern Daylight Saving Time.