

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 23, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 27

SENATE

WEDNESDAY, April 23, 1986.

The Senate met at 11:00 a.m., Eastern Standard Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

PRAYER

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

Almighty God, to whom men turn for wisdom, knowledge, hope and guidance, we come to You to thank You for these persons who have dedicated and devoted their lives for the good of this Commonwealth. May they always be aware of those whom they serve as well as the needs of this state. 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 April 22, 1986.

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

COMMUNICATIONS FROM THE GOVERNOR

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 BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

April 23, 1986.

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 April 22, 1986 for the appointment of Edward Brody, Park Pleasant, Inc., 4712 Chester Avenue, Philadelphia 19143,

Philadelphia County, Eighth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, vice Mary Jane Leader, Philadelphia, resigned.

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

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

April 23, 1986.

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 April 22, 1986 for the appointment of Robert S. Ross, Jr., 307 Rex Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1987, vice James H. Cawley, Esquire, Camp Hill, resigned.

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

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

April 23, 1986.

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 April 22, 1986 for the appointment of Kirk Wilson, 413 South Pitt Street, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1995, vice Michael Johnson, Bryn Mawr, whose term expired.

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

DICK THORNBURGH.

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:

April 22, 1986

Senators SHUMAKER, LEMMOND, PETERSON, STAPLETON, MADIGAN, SALVATORE, JONES,

SINGEL, MOORE, EARLY, CORMAN and RHOADES presented to the Chair **SB 1493**, entitled:

An Act making an appropriation to the Pennsylvania Association for the Blind.

Which was committed to the Committee on APPROPRIATIONS, April 22, 1986.

Senators GREENLEAF, HELFRICK, FISHER, STOUT, SHUMAKER, PETERSON, MADIGAN, CORMAN, RHOADES and BRIGHTBILL presented to the Chair **SB 1494**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the liability of employees of local agencies; and making repeals.

Which was committed to the Committee on JUDICIARY, April 22, 1986.

Senator BELL presented to the Chair **SB 1495**, entitled:

An Act amending the act of March 21, 1986 (P. L. 64, No. 19), entitled "Private Prison Moratorium and Study Act," further prohibiting private prisons.

Which was committed to the Committee on JUDICIARY, April 22, 1986.

Senator BELL presented to the Chair **SB 1496**, entitled:

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

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 1986.

Senators RHOADES, SALVATORE and SHUMAKER presented to the Chair **SB 1497**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for lists of counseling services, preplacement and postplacement investigations and confidentiality of records.

Which was committed to the Committee on JUDICIARY, April 22, 1986.

Senator BELL presented to the Chair **SB 1498**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing procedures relating to new electric generating capacity.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 1986.

Senator BELL presented to the Chair **SB 1499**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring public utilities to provide telephone service at reduced rates for certain subscribers.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 1986.

Senator BELL presented to the Chair **SB 1500**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing procedures relating to new electric generating capacity.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 1986.

Senator BELL presented to the Chair **SB 1501**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the burden of proof in proceedings before the commission.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 22, 1986.

REPORT FROM COMMITTEE

Senator HELFRICK, from the Committee on Agriculture and Rural Affairs, reported the following bill:

HB 2264 (Pr. No. 3361) (Amended)

An Act amending the act of May 15, 1945 (P. L. 547, No. 217), known as the "Conservation District Law," further structuring and reestablishing the State Conservation Commission.

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, I would request temporary legislative leaves for Senator Loeper and Senator Wenger and a legislative leave for today's Session for Senator Howard.

The PRESIDENT pro tempore. Senator Stauffer has requested temporary legislative leaves for Senator Loeper and Senator Wenger and a legislative leave for today's Session for Senator Howard. The Chair hears no objection. The leaves will be granted.

Senator LINCOLN. Mr. President, I would request legislative leaves for the day for Senator Hankins, Senator Lewis, Senator Lynch, and Senator Ross and temporary Capitol leaves for Senator Andrezeski and Senator Jones.

The PRESIDENT pro tempore. Senator Lincoln has requested legislative leaves for today's Session for Senator Hankins, Senator Lewis, Senator Lynch and Senator Ross and temporary Capitol leaves for Senator Andrezeski and Senator Jones. The Chair hears no objection. The leaves will be granted.

CALENDAR

HB 1729 CALLED UP OUT OF ORDER

HB 1729 (Pr. No. 2203) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1729 (Pr. No. 2203) — The Senate proceeded to consideration of the bill, entitled:

An Act directing the Department of Transportation to redesignate that portion of Legislative Route 64089 which is located in Murrsville, Westmoreland County, and is now designated as Mill Street as Vincent Hall Road and to make appropriate sign changes.

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—48

Andrezeski	Hess	Lynch	Ross
Armstrong	Holl	Madigan	Salvatore
Bell	Hopper	Mellow	Scanlon
Bodack	Howard	Moore	Shaffer
Brightbill	Jones	Musto	Shumaker
Corman	Jubelirer	O'Pake	Stapleton
Early	Kelley	Pecora	Stauffer
Fisher	Kratzer	Peterson	Stout
Fumo	Lemmond	Reibman	Tilghman
Greenleaf	Lewis	Rhoades	Wenger
Hankins	Lincoln	Rocks	Wilt
Helfrick	Loeper	Romanelli	Zemprelli

NAYS—0

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

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

SB 776 TAKEN FROM THE TABLE

Senator STAUFFER. Mr. President, I move that Senate Bill No. 776, Printer's No. 1901, 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.

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

Senator O'PAKE. Mr. President, present in the gallery are eighteen students and their teacher, Mr. Robert Fleck, from the Exeter Township Senior High School in Berks County. These students, who are studying the Civil War in their Civil War class under the dynamic leadership of Mr. Fleck, raised \$1,000 in a school project to help restore the Civil War battle flags which are encased downstairs in the Rotunda. They are here in Harrisburg to present that \$1,000 check. I think this is a wonderful tribute to the positive action of these students for a very worthwhile cause, and I would ask the President and my colleagues to express our appreciation for what they did.

The PRESIDENT pro tempore. Would those guests of Senator O'Pake please rise so we may express our appreciation to you.

(Applause.)

GUESTS OF SENATOR J. BARRY STOUT PRESENTED TO SENATE

Senator STOUT. Mr. President, it is indeed a pleasure for me to have four guests here from Washington County who are visiting the state Capitol. They are Mrs. Laura Alvi and her daughter, Diba, and Mrs. Bonnie Colfield and Jennifer Colfield. Jennifer and Diba are students in the Peters Township School system and are currently studying Pennsylvania state government in their social studies classes. I welcome them to Harrisburg and ask the President and the Senate to extend to them their usual warm welcome.

The PRESIDENT pro tempore. Would those guests of Senator Stout from Washington County please stand so we may give you a warm welcome.

(Applause.)

PERMISSION TO ADDRESS SENATE

Senator WILT asked and obtained unanimous consent to address the Senate.

Senator WILT. Mr. President, as Chairman of the Committee on Public Health and Welfare, I would like to share this information with you from the Department of Health.

The Pennsylvania Department of Health and its advisory committee on organ and tissue donation, in observance of Organ Donor Awareness Week, cordially invite you to attend a program on organ donation on April 23rd from 12:00 noon to 1:00 p.m. in the Capitol Rotunda. Representatives from Pennsylvania's Transplant and Organ program and members of the department advisory committee on organ and tissue donation will be on hand to answer questions from 11:00 a.m. to 1:00 p.m. on that day. At noon, transplant recipients, including recent heart recipients, will make remarks.

Thousands of people in Pennsylvania wait for vital organs and tissues to enhance the quality of their lives or, in some cases, to provide life itself. I hope you will be able to attend this important program to help us encourage organ donor awareness among all Pennsylvanians. Please invite your constituents who have specific interest in organ donations. I would also include, if anyone has any particular questions about the program, that they be in touch with Mrs. Julia Cox who is the head of the advisory committee for organ donations in the Department of Health.

RECESS

Senator STAUFFER. Mr. President, I request a recess of the Senate for half an hour, for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate for half an hour.

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

Senator STAUFFER. Mr. President, I would ask that the temporary Capitol leave of Senator Loeper be removed.

The PRESIDENT pro tempore. The Chair notes with pleasure the appearance on the floor of the gentleman from Delaware and, Senator Loeper, your temporary Capitol leave is hereby cancelled.

LEGISLATIVE LEAVE

Senator SCANLON. Mr. President, I have just been advised that Senator Rocks has requested a temporary Capitol leave.

The PRESIDENT pro tempore. Senator Scanlon has requested a temporary Capitol leave for Senator Rocks. The Chair hears no objection. The leave is granted.

CONSIDERATION OF CALENDAR RESUMED**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED BY THE SENATE****BILL OVER IN ORDER**

SB 1037 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS****BILL OVER IN ORDER**

SB 336 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1342 (Pr. No. 2047) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 4, 1978 (P. L. 876, No. 169), entitled "Pennsylvania Crime Commission Act," reestablishing and further providing for vacancies and the powers and duties of the Pennsylvania Crime Commission.

Senator STAUFFER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1342.

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

LEGISLATIVE LEAVE

Senator STAUFFER. Mr. President, I request a temporary Capitol leave for Senator Helfrick who has just been called off the floor.

The PRESIDENT pro tempore. Senator Stauffer has requested a temporary Capitol leave for Senator Helfrick. The Chair hears no objection. The leave is granted.

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

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

YEAS—49

Andrezeski	Holl	Madigan	Salvatore
Armstrong	Hopper	Mellow	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O'Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess			

NAYS—0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Jones and Senator Andrezeski. Their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Romanelli.

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Romanelli. The Chair hears no objection. The leave will be granted.

CONSIDERATION OF CALENDAR RESUMED**FINAL PASSAGE CALENDAR****BILL OVER IN ORDER**

HB 843 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

THIRD CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

HB 1196 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER

SB 601 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1341 (Pr. No. 2059) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing a statute of limitations regarding the institution of lawsuits against professional land surveyors and landscape architects.

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—49

Andrezeski	Holl	Madigan	Salvatore
Armstrong	Hopper	Mellow	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O’Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess			

NAYS—0

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

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

SB 1391 (Pr. No. 2058) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers.

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—49

Andrezeski	Holl	Madigan	Salvatore
Armstrong	Hopper	Mellow	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O’Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman

Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess			

NAYS—0

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

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

HB 1639 (Pr. No. 3357) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment, terms, compensation and qualifications of and restrictions on commissioners; providing for a director of operations, the Office of Trial Staff, the Office of Special Assistants and the Director of Operations and their powers and duties; further providing for procedures, reports, budget requests and audits and for rate increase requests; providing for management efficiency investigators and for fuel purchase audits; limiting recovery of certain employee meeting expenses; making provisions for retirement of electric generating units and outages of electric generating units; providing for the regulation of excess capacity costs; restricting rate setting procedures of telephone companies; requiring that certain data be supplied by electric utilities; further regulating the recovery of advertising expenses and the recovery of club dues; authorizing the commission to order conservation and load management; regulating coin telephone service; authorizing certain costs to be part of rate base in electric generating facilities utilizing coal; and reestablishing the Pennsylvania Public Utility Commission.

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 STAUFFER. Mr. President, as we all know, the current piece of legislation before us is the bill dealing with the Sunset of the Public Utility Commission. I would like to make a few remarks that I personally would like to spread on the record regarding this legislation. This is not intended as a form of debate nor am I intending to influence any votes. Rather, I would like to indicate my own views with regard to the legislation before us.

Initially, it was my view that the gentleman from Delaware, Senator Bell, and his committee did a rather outstanding job of dealing with what we all knew from the beginning was a very, very difficult subject, and I do not think it can be repeated often enough the excellent piece of work that committee did to bring a bill to us which actually contained very little in the way of controversy, that boiled the issues down to only a couple. I think to accomplish that is something that deserves recognition.

My great hope was the bill that finally emerged on the Senate would be one I could support as well as everyone else with a great deal of enthusiasm and it would be a bill that could be concurred in in the House of Representatives and this issue would be settled.

Sad to say, Mr. President, that is not the way it worked out, in my mind, and I find I will be forced to cast a negative vote. The reason I am going to cast a negative vote boils down to just three points, and I would briefly like to cover those three points.

The first is the issue of excess capacity. My concern is that we have liberalized, lessened and softened the law on excess capacity from what it is today. Had we maintained the current law, even though some of us believe we would like to even strengthen it, it still would have been satisfactory as far as I am concerned. But the fact that we have moved toward softening the law from what has been developed in the cases that have been heard, I think is a step backwards as far as the electric consumers of this Commonwealth are concerned, and that concerns me greatly.

The second point that troubles me is the fact that in a limited instance we will now permit CWIP. I am very concerned that ratepayers under any circumstance will be forced to pay in their increased rates for the construction of a utility that is not yet on line in service.

The third thing we did, Mr. President, that troubles me is the fact that we have removed the Salem 2 provisions that were in the bill. This is an issue that was not previously discussed, but I think it is one that certainly, if you come from southeastern Pennsylvania, has to trouble you. Salem 2 is a situation, Mr. President, in which a plant was built and I believe it was put into the rate base, or certainly attempted to be put into the rate base, even though there had been an explosion, I believe, in the generator or something, and the plant was never able to go on line. It never produced a kilowatt of electricity for the consumers who were being asked to pay for it. The Public Utility Commission made a decision which said that under those circumstances a utility, in this case Salem 2, could not be counted in the rate structure and removed that from the rate base. Legislation we had would have included that provision in the law, so that would be the policy of the Commonwealth for the future so, if a plant was not in operation and it could not produce anything, it could not supply anything, you still could not have it cranked into the rate structure as had previously been the case. That provision was removed.

Mr. President, because of those three concerns, I will cast a negative vote and I appreciate the opportunity to have those reasons spread upon the record.

Senator ANDREZESKI. Mr. President, on House Bill No. 1639, I have been part of the process in the committee which did some extensive work and listened to a lot of different sides. At one point I thought what I put out was a very clean document that took into account the existence and the need for a viable utility system but, more importantly, it took into account the existence and the needs of millions upon millions of people in this state who also had a right to be legislatively represented and also had a right to have some form and control over the pricing and the decisions that affect them in their receiving of utilities. As House Bill No. 1639 now stands, the scales have been greatly tipped, in my estimation. I guess,

in some instances, you can go back to the old adage that on some days you win some and on some days you lose some. For a lot of people in this state, yesterday it was a day in which they lost some.

Mr. President, I am going to vote in the negative on this bill, a bill which I have seen change dramatically overnight. I also encourage my colleagues to vote negatively on this bill. I hope sometime in this process we can come back, Mr. President, and win a few for a lot of consumers in this state.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator Romanelli on the floor. His temporary Capitol leave will be cancelled.

And the question recurring,
Shall the bill pass finally?

Senator FUMO. Mr. President, on the bill, I, too, intend to vote "no," principally because of the changing of the confirmation process, but, more importantly than that, Mr. President, last night we asked that this bill go over so we had time to study the amendments that were flying left and right. We were denied that opportunity by the Majority because they were intent upon moving this bill. Well, they moved it and the Majority Leader now has something he does not like. I am not totally pleased with the bill, either. There was a lot of confusion last night, Mr. President, and I think many of us voted the way we voted out of confusion in some instances. We asked for time to consider this most important legislation and it was denied to us. Now we have something that the Majority Leader does not like. Mr. President, I intend to vote "no," but I wanted to remind the Majority Leader that had he listened to us last night, we might have been able to have some better sense of this bill than the confusion we have today.

And the question recurring,
Shall the bill pass finally?

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

The PRESIDENT pro tempore. The Chair wishes to change his vote from "no" to "aye."

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

YEAS—27

Armstrong	Jubelirer	Moore	Shaffer
Brightbill	Kelley	Musto	Stapleton
Corman	Lemmond	Peterson	Stout
Fisher	Lincoln	Rhoades	Tilghman
Helfrick	Loeper	Romanelli	Wenger
Holl	Madigan	Salvatore	Wilt
Hopper	Mellow	Scanlon	

NAYS—22

Andrezeski	Hankins	Lynch	Ross
Bell	Hess	O'Pake	Shumaker
Bodack	Howard	Pecora	Singel
Early	Jones	Reibman	Stauffer
Fumo	Kratzer	Rocks	Zemprelli
Greenleaf	Lewis		

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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator Rocks on the floor. His temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1676 (Pr. No. 3358) — The Senate proceeded to consideration of the bill, entitled:

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

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—49

Andrezski	Holl	Madigan	Salvatore
Armstrong	Hopper	Mellow	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O'Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess			

NAYS—0

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

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

GUESTS OF SENATOR J. BARRY STOUT PRESENTED TO SENATE

Senator STOUT. Mr. President, it is with great pleasure that I introduce a group of high school students from the South Hills Christian Church School. They are with us this afternoon on an educational field trip of the state Capitol.

They are students from the tenth, eleventh and twelfth grades and are accompanied by their teachers and chaperones. I would appreciate if the Senate would extend its usual warm welcome to this group from South Hills Christian Church School.

The PRESIDENT pro tempore. Would those guests of Senator Stout please rise so the Senate may extend to them a warm welcome.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1680 (Pr. No. 3359) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 6, 1980 (P. L. 197, No. 57), known as the "Optometric Practice and Licensure Act," reestablishing the State Board of Optometric Examiners as the State Board of Optometry; providing for its composition, powers and duties; further providing for renewal, revocation and suspension of licenses; providing for fees; and making repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of the gentleman from Northumberland, Senator Helfrick, and welcomes him back. His temporary Capitol leave will be cancelled.

And the question recurring,

Shall the bill pass finally?

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

YEAS—49

Andrezski	Holl	Madigan	Salvatore
Armstrong	Hopper	Mellow	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O'Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess			

NAYS—0

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

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

HB 2023 (Pr. No. 3360) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), known as the "Amusement Ride Inspection Act," further providing for the minimum amount of insurance.

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—49

Andrezeski	Holl	Madigan	Salvatore
Armstrong	Hopper	Mellow	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O'Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess			

NAYS—0

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

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

LEAVE OF ABSENCE

Senator ZEMPRELLI asked and obtained leave of absence for Senator WILLIAMS, for the remainder of today's Session, for personal reasons.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2081 (Pr. No. 3283) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the organization and operation of the State Transportation Commission; and reestablishing the State Transportation Commission in conformity with the Sunset Act.

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—49

Andrezeski	Holl	Madigan	Salvatore
Armstrong	Hopper	Mellow	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O'Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess			

NAYS—0

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

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

HB 2095 (Pr. No. 3279) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," conforming provisions for voting at the time the polls close; further providing for absentee ballots; and further providing for certain written statements relating to disability.

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—49

Andrezeski	Holl	Madigan	Salvatore
Armstrong	Hopper	Mellow	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O'Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess			

NAYS—0

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

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

HB 2200 (Pr. No. 3286) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the "Pennsylvania Commission on Crime and Delinquency Law," adding a definition; further providing for the membership, powers and duties of the Pennsylvania Commission on Crime and Delinquency; reestablishing the Pennsylvania Commission on Crime and Delinquency; and making an editorial change.

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 KELLEY. Mr. President, this bill does a little bit more than renew the sunseting of the Pennsylvania Commission on Crime and Delinquency. If one looks at page 3, line 4, it begins with subparagraph (12) of the act, there is an addition thereto that I believe to be very, very detrimental to the conduct of our government. As you know, about eight years ago we created this commission to implement federal law, but this bill presently would be amending the law to say implementing programs authorized by the state law as well. I feel this will be an usurpation upon our rights by giving this agency, which is an agency made up of many people in the judiciary, the other branch, to be implementing the state law and I believe that is erroneous and not the intention of this General Assembly. I, therefore, am going to vote in the negative and I would encourage my colleagues to do likewise.

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—48

Andrezeski	Hess	Madigan	Salvatore
Armstrong	Holl	Mellow	Scanlon
Bell	Hopper	Moore	Shaffer
Bodack	Howard	Musto	Shumaker
Brightbill	Jones	O'Pake	Singel
Corman	Jubelirer	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Tilghman
Greenleaf	Lincoln	Rocks	Wenger
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli

NAYS—1

Kelley

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.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1259**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The **PRESIDENT** pro tempore. The bill, as amended, will be placed on the Calendar.

SUPPLEMENTAL CALENDAR NO. 1

SB 1259 CALLED UP OUT OF ORDER

SB 1259 (Pr. No. 2076) — Without objection, the bill was called up out of order, from page 1, under Bill on Concurrence in House Amendments, by Senator **STAUFFER**, as a Special Order of Business.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 1259 (Pr. No. 2076) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," further providing for the powers and duties of the State Horse Racing Commission and the State Harness Racing Commission; further regulating licensing of racing corporations and individuals involved in racing, handling of funds, and racing employees; further providing for special funds; further providing for allocation of racing days, for the place and manner of conducting pari-mutuel wagering, for the retention percentage and distribution of pari-mutuel pools, for fines and penalties and for the simulcasting and televising of races; placing limitations on day and night racing; making editorial changes; and reestablishing the State Horse Racing Commission and the State Harness Racing Commission.

Senator **STAUFFER**. Mr. President, I move the Senate do nonconcur in the amendments made by the House to Senate Bill No. 1259, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 148, HB 180, SB 215, 372 and HB 387 — Without objection, the bills were passed over in their order at the request of Senator **STAUFFER**.

BILL REREFERRED

SB 562 (Pr. No. 2080) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), entitled "Dog Law," requiring that dogs must be vaccinated against rabies as a condition for licensure; and authorizing the department to establish antirabies clinics.

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

BILLS OVER IN ORDER

HB 637, 684 and **SB 727** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL LAID ON THE TABLE

SB 928 (Pr. No. 1958) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, adding definitions; further providing for the liability of professional health service corporations; adding provisions relating to predetermination of dental services and claims for payment; providing for the liability of dental services corporations; and making editorial changes.

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

BILLS OVER IN ORDER

HB 943, 976 and **SB 1187** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1276 (Pr. No. 2033) — The Senate proceeded to consideration of the bill, entitled:

An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation of trailers and combinations, for penalties for exceeding maximum weights and for the weighing of vehicles.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1372, 1389, 1390 and **1397** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1412 (Pr. No. 1923) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P. L. 483, No. 113), entitled "Tax-Exempt Bond Allocation Act," further providing for selection of projects using county allocations.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1422 and **1423** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILLS ON SECOND CONSIDERATION

SB 1427 (Pr. No. 2025) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the arbitration limit; and providing for certification of pleadings, motions and other papers.

Considered the second time and agreed to,

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

SB 1428 (Pr. No. 1940) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, limiting punitive damages in civil actions.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1433, 1457 and **HB 1813** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 1970 (Pr. No. 3330) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to charitable organizations; requiring the registration of such organizations; and regulating the solicitation of money and property by or on behalf of charitable organizations.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 2002 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

MEETING OF COMMITTEE ON TRANSPORTATION

The PRESIDENT pro tempore. Senator Corman has asked me to announce that the Committee on Transportation will meet at 1:00 a.m. today in Room 461. He has requested that all Members of the Committee on Transportation please be in attendance at that meeting.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS**

**MEMORIALIZING THE GOVERNOR TO
PROCLAIM THE WEEK OF MAY 4 THROUGH
11, 1986, AS "DAYS OF REMEMBRANCE
OF THE VICTIMS OF THE HOLOCAUST"**

Senators SALVATORE, JUBELIRER, REIBMAN, STAUFFER, ROMANELLI, ROCKS, O'PAKE, HELFRICK, FUMO, SINGEL, BRIGHTBILL, MOORE, SHUMAKER, PECORA, RHOADES and GREENLEAF offered the following resolution (**Senate Resolution No. 154**), which was read, considered and adopted:

In the Senate, April 23, 1986.

A RESOLUTION

Memorializing the Governor to proclaim the week of May 4 through 11, 1986, as "Days of Remembrance of the Victims of the Holocaust."

WHEREAS, From 1933 to 1945, six million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people perished as victims of Nazism; and

WHEREAS, The people of this Commonwealth should always remember the atrocities committed by the Nazis so that such horrors never be repeated and should continually rededicate themselves to the principle of equal justice for all people; and

WHEREAS, The people of this Commonwealth should remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, May 6 has been designated pursuant to an Act of Congress and internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hoshoa; and

WHEREAS, It is appropriate for the people of this Commonwealth to join in the international commemoration; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the Governor to proclaim the week of May 4 through 11, 1986, as the "Days of Remembrance of the Victims of the Holocaust" in memory of the victims of the Holocaust, and in the hope that we will strive always to overcome prejudice and inhumanity through education, vigilance and resistance.

**DESIGNATING THE WEEK OF APRIL 27
THROUGH MAY 4, 1986, AS "STUDENTS
AGAINST DRIVING DRUNK WEEK"**

Senators SHUMAKER, HOPPER, HELFRICK, LEMMOND, RHOADES, MADIGAN, MELLOW, PECORA, MOORE, SCANLON, LOEPER, FUMO, MUSTO, O'PAKE, JUBELIRER, REIBMAN, ARMSTRONG, JONES, LINCOLN, SALVATORE, SHAFFER, ROMANELLI, BODACK, STOUT, ROSS, CORMAN, HESS, KRATZER, GREENLEAF, STAUFFER, FISHER and WILT offered the following resolution (**Senate Resolution No. 155**), which was read, considered and adopted:

In the Senate, April 23, 1986.

A RESOLUTION

Designating the week of April 27 through May 4, 1986, as "Students Against Driving Drunk Week."

WHEREAS, Injury from alcohol-caused automobile crashes is the number one health problem of today's teenagers; and

WHEREAS, Over 100 high schools throughout the eastern states have organized Students Against Driving Drunk (SADD) chapters; and

WHEREAS, The SADD program is based on a belief that as more and more teenagers become aware of the statistics and realities of the problems caused by teenage drunk driving, they will take the necessary leadership steps to prevent teenage drunk driving; therefore be it

RESOLVED, That the Senate designate the week of April 27 through May 4, 1986, be designated as "Students Against Driving Drunk Week" to promote and support the efforts of SADD chapters.

**DESIGNATING THE WEEK OF MAY 5
THROUGH MAY 11, 1986, AS "MOTHERS
AGAINST DRUNK DRIVING WEEK"**

Senators SHUMAKER, HOPPER, HELFRICK, LEMMOND, RHOADES, MADIGAN, MELLOW, PECORA, MOORE, SCANLON, FUMO, LOEPER, MUSTO, O'PAKE, REIBMAN, JUBELIRER, ARMSTRONG, JONES, LINCOLN, SALVATORE, SHAFFER, ROMANELLI, BODACK, STOUT, ROSS, CORMAN, HESS, KRATZER, GREENLEAF, STAUFFER, FISHER and WILT offered the following resolution (**Senate Resolution No. 156**), which was read, considered and adopted:

In the Senate, April 23, 1986.

A RESOLUTION

Designating the week of May 5 through May 11, 1986, as "Mothers Against Drunk Driving Week."

WHEREAS, The Federal Government, prior to the inception of the National Mothers Against Drunk Driving (MADD) program, spent over \$1,000,000 a year in anti-drunk driving programs, with little resulting effect on the number of alcohol-related highway deaths; and

WHEREAS, The private, grass roots organization of "Mothers and Others," known as Mothers Against Drunk Driving, has, since its inception less than a decade ago, increased public awareness of alcohol-related traffic accidents, injuries and deaths, and has lobbied successfully for legislation and enforcement of legislation on this issue; therefore be it

RESOLVED, That the Senate designate the week of May 5 through May 11, 1986 (Mother's Day), as "Mothers Against Drunk Driving Week" to promote and support the efforts of this fine organization.

**RECOGNIZING MAY 1986 AS "SENIOR
CITIZEN MONTH" IN PENNSYLVANIA**

Senators LOEPER, HOPPER, MUSTO, LEMMOND, STAUFFER, JUBELIRER, ROCKS, O'PAKE, SALVATORE, SHAFFER, HELFRICK, STOUT, SINGEL, STAPLETON, WILLIAMS, FUMO, FISHER, JONES, HESS, RHOADES, MADIGAN, CORMAN, PETERSON, MOORE, BRIGHTBILL, SHUMAKER, PECORA, HOLL, TILGHMAN AND GREENLEAF offered the following resolution (**Senate Resolution No. 157**), which was read, considered and adopted:

In the Senate, April 23, 1986.

A RESOLUTION

Recognizing May 1986 as "Senior Citizen Month" in Pennsylvania.

WHEREAS, May has traditionally been recognized as "Senior Citizen Month" in the United States, a month set aside both to consider the special and continuing needs of our senior citizens and to alert senior citizens to the existence of programs already available to them; and

WHEREAS, During May, groups such as the American Association of Retired Persons and the State Council of Senior Citizens provide programs designed to educate the general public about the special housing, health care and income security needs of the 1.6 million senior citizens in Pennsylvania; and

WHEREAS, "Senior Citizen Month" is also an appropriate time to inform senior citizens on programs already available to them, including the shared-ride service, reduced automobile registration fees, a co-payment prescription drug plan and a property tax or rent rebate program; therefore be it

RESOLVED, That the Senate of Pennsylvania recognize May 1986 as "Senior Citizens Month" in Pennsylvania.

**RECOGNIZING MAY 15, 1986, AS
"PEACE OFFICERS' MEMORIAL DAY"
IN PENNSYLVANIA**

Senators PECORA, JUBELIRER, SALVATORE, STAUFFER, GREENLEAF, EARLY, HELFRICK, PETERSON, MOORE, BELL, SHAFFER, LEMMOND, RHOADES, BODACK, STOUT, FUMO, LYNCH, LEWIS, ROCKS, WENGER and SHUMAKER offered the following resolution (**Senate Resolution No. 158**), which was read, considered and adopted:

In the Senate, April 23, 1986.

A RESOLUTION

Recognizing May 15, 1986, as "Peace Officers' Memorial Day" in Pennsylvania.

WHEREAS, "Peace Officers' Memorial Day," established by Presidential proclamation in 1962, commemorates those law enforcement officers who have fallen in the line of duty; and

WHEREAS, During the past decade, nearly one thousand police officers have been slain and tens of thousands more have been assaulted; and

WHEREAS, "Peace Officers' Memorial Day" is a day on which we remember police officers who have given their lives to protect us and a day on which fellow police officers remember their fallen comrades; and

WHEREAS, On this day, the National Fraternal Order of Police conducts memorial services in cities across the nation, including a wreath-laying ceremony at the Living Flame Memorial, a monument to police officers located across from the police administration building in Philadelphia; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania recognize May 15, 1986, as "Peace Officers' Memorial Day" in Pennsylvania and pay tribute to the police officers who have given their lives serving us.

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 C. Ted Dombrowski by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Merle J. Fair by Senator Lincoln.

Congratulations of the Senate were extended to Mrs. Clara Capute and to The Goodwill Industries of Conemaugh Valley by Senator Singel.

BILL ON FIRST CONSIDERATION

Senator JONES. Mr. President, I move the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

HB 2264.

And said bill having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

Senator O'PAKE. Mr. President, this is Victims' Rights Week. I would like to enter into the record a brief summary of where Pennsylvania has come in the last ten years with regard to protecting victims of crime. I especially call attention to the fact that since the new Child Abuse Background Check Law has taken effect in January, twenty-eight applicants have been denied jobs in Pennsylvania because of a child abuse record. Mr. President, I offer these remarks.

The PRESIDENT pro tempore. The Chair thanks the gentleman and directs the remarks that he is presenting be spread upon the record.

(The following prepared statement was made a part of the record at the request of the gentleman from Berks, Senator O'PAKE:)

Mr. President, this week has been designated Victims' Rights Week in Pennsylvania. It has become an annual event in the Commonwealth, a time when we look more closely at the plight of innocent victims of crime, including violent crime, child abuse and, most recently, drunk driving. It is also a time when we look at our laws to protect crime victims and think about whether those laws cannot be improved. This year is a little different, though, because it marks roughly the end of a full decade of very significant efforts toward this cause.

Ten years ago, Governor Shapp signed the Child Protective Services Law, which many of us worked so hard to achieve. Since 1976, 51,262 reports of child abuse have been substantiated by our State Department of Public Welfare through its county Children and Youth agencies. Prior to 1976, few people looked at these kids as victims. Physical abuse was seen as merely a form of parental discipline. And sexual abuse was not even known to exist by the majority of Americans. Even so, there were 448 sexual abuses substantiated that year in Pennsylvania. Times have changed and greater awareness of child sexual abuse has meant more reporting and, conse-

quently, more substantiated reports, 5,481 last year, a twelve-fold increase over 1976. But, that also means that more children are getting help instead of continuing to suffer the abuse in silence.

Beginning in January of this year, the statewide child abuse registry became a tool for screening out job applicants seeking to work with children. In less than four months, twenty-eight applicants with histories of committing child abuse have been detected through that screening process. That is twenty-eight people who will not have an opportunity to abuse more children entrusted to the care of foster parents, day care centers and similar agencies.

Yesterday, another law took effect in Pennsylvania to help child victims. The well-publicized abuse scandals in day care centers, especially in California, pointed to the need for a law to help children get through the trauma of a criminal trial. We responded to that need in Pennsylvania by enacting Act 14 to allow videotaping of a child's testimony so he or she will not be intimidated into silence by a confrontation with the abuser. Act 14 is a major new weapon in the prosecution of these very difficult cases.

Those are some of the more recent developments in our efforts to help crime victims. Another ten year old law was amended recently to make it work better for the benefit of more kinds of victims. That is the Crime Victims Compensation Act which attempts to repair financially some of the damage done to victims of violent crime in Pennsylvania.

Since 1976, more than 4,000 innocent victims have been awarded a total of \$12 million, at almost no cost to the taxpayers. That is because the program is supported through a \$10.00 special fine imposed on all convicted criminals.

Last year, for example, forty-two victims of crime in Berks County received compensation awards totaling over \$61,750. Add to that another \$69,000 in grants to the Crime Victims Center and Women in Crisis and you can see that state victim assistance programs have meant a lot to our efforts on the local level.

But money alone is no substitute for the dedication and hard work of individual victim rights advocates. The cause of victim rights would be nowhere without people who care enough to give freely of their time and effort.

It is appropriate then that we mark the occasion of Victims' Rights Week by thanking all those volunteers and citizens who carry the banner fifty-two weeks a year and never ask for recognition. Without them, victims of crime would still be forgotten numbers in our criminal justice system in Pennsylvania.

The PRESIDING OFFICER (F. Joseph Loeper) in the Chair.

The PRESIDENT pro tempore. Just for the record, Mr. President, I did cast a vote for House Bill No. 1639 today, the PUC reform bill, although I voted against many of the amendments which were adopted yesterday. I would like the record to note, Mr. President, the reason I cast that vote as I did after much thought was to move the process. I have great reservations about some of the amendments that were

adopted yesterday and it would be my hope that the House of Representatives would nonconcur and the bill will go to a Committee of Conference. I do not want my vote today to indicate support for that piece of legislation as it now exists. I would hope the Committee of Conference will bring back to the floor of each house a PUC Sunset bill not containing some of the provisions which the Senate adopted yesterday.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 670**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Monday, April 28, 1986, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 12:40 p.m., Eastern Standard Time.