

LEGISLATIVE JOURNAL

MONDAY, MAY 4, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 32

SENATE

MONDAY, May 4, 1987.

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

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

PRAYER

The Chaplain, the Reverend Mr. DONALD F. GESCHWINDT, Pastor of Swamp United Church of Christ, Reinholds, offered the following prayer:

Let us pray.

Eternal God, our Heavenly Father, Thou in whom we live and move and have our deed, we thank You for this day, a day of duty and opportunity. Everywhere we see Your work in the world, in the budding trees, the blossoming flowers and in people dedicated to serving mankind through You.

As we are assembled here this afternoon, be gracious to the Senators of this great state. Give them strength and courage to face the tasks and issues that are before them, and guide and instruct them by Your word and Holy Spirit.

Give us always grace to seek You with a whole heart, that seeking You we may find You, and finding You we may love You, and loving You we may keep Your commands always to do Your will. For this we ask all in the name of Your son, Jesus, our Lord and Savior, in whose name we pray. Amen.

The PRESIDENT. The Chair thanks the Reverend Geschwindt who is the guest this week of Senator Wenger.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 29, 1987.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Govern-

nor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BOARD OF CLAIMS

April 29, 1987.

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 Fred C. Pace, Esquire, 1601 Oak Road, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Board of Claims, to serve until November 15, 1994, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

April 29, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James A. Hughes, 258 South Saint Bernard Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1990.

ROBERT P. CASEY.

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

April 29, 1987.

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 Kenny, Jr., 1727 North Washington Avenue, Scranton 18509, Lackawanna County, Twenty-second 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, 1993, and until his successor is appointed and qualified, vice William Marchese, Old Forge, whose term expired.

ROBERT P. CASEY.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Senate Concurrent Resolution No. 43.

### 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:

April 30, 1987

**HB 179 and 180** — Committee on Local Government.

**HB 365** — Committee on Agriculture and Rural Affairs.

**HB 875** — Committee on Transportation.

May 4, 1987

**HB 446** — Committee on Local Government.

### HOUSE RESOLUTIONS FOR CONCURRENCE

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

May 4, 1987

**House Concurrent Resolutions No. 64 and 78** — Committee on Rules and Executive Nominations.

## BILLS INTRODUCED AND REFERRED

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

April 30, 1987

Senators LEWIS and SALVATORE presented to the Chair **SB 769**, entitled:

An Act providing for the observance of the first Sunday of October of each year as "Pennsylvania Stepparents Day."

Which was committed to the Committee on STATE GOVERNMENT, April 30, 1987.

Senators LEWIS and SALVATORE presented to the Chair **SB 770**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for determining when a slot machine may be classified as an antique.

Which was committed to the Committee on JUDICIARY, April 30, 1987.

Senators LEWIS, SCANLON, SALVATORE and STOUT presented to the Chair **SB 771**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring the reporting of certain burn injuries occurring from fires.

Which was committed to the Committee on JUDICIARY, April 30, 1987.

Senators CORMAN, WENGER, RHOADES and STOUT presented to the Chair **SB 772**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for expenses of county row officers for attending certain meetings.

Which was committed to the Committee on LOCAL GOVERNMENT, April 30, 1987.

Senators RHOADES, LOEPER, SHUMAKER, ANDREZESKI, LINCOLN, SALVATORE, ROCKS, HELFRICK, O'PAKE, CORMAN, REIBMAN, BELL, STOUT, MUSTO, ROMANELLI, LEWIS and ROSS presented to the Chair **SB 773**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living increases to annuitants.

Which was committed to the Committee on FINANCE, April 30, 1987.

Senators ROMANELLI, SCANLON, BODACK, ROSS, REGOLI, ZEMPRELLI and STOUT presented to the Chair **SB 774**, entitled:

An Act authorizing the establishment of a commission for counties of the second class and adjacent counties to undertake industrial, land use improvement and civic projects; providing for the powers, members, organization and employees of the commission; granting to the commission the power of eminent domain; authorizing the commission to issue bonds; granting remedies to bondholders; and providing for contracts and purchases, for the sale or lease of projects, for funding of the commission and for an exemption from taxation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, April 30, 1987.

## RESOLUTION INTRODUCED AND REFERRED

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

May 4, 1987

### DESIGNATING THE WEEK OF MAY 17 THROUGH 23, 1987, AS "THERAPEUTIC HORSEBACK RIDING WEEK"

Senators SHUMAKER, RHOADES, STAUFFER and HESS offered the following resolution (**Senate Resolution No. 59**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, May 4, 1987.

#### A RESOLUTION

Designating the week of May 17 through 23, 1987, as "Therapeutic Horseback Riding Week."

WHEREAS, There are nearly 60 specialized programs which are sponsored by the Pennsylvania Council on Horseback Riding for the Handicapped throughout this Commonwealth and which offer a combination of sports riding for the disabled, remedial/

psychoeducational riding and vaulting, and Hippotherapy as a medical treatment modality; and

WHEREAS, The participants in these programs suffer from such disabilities as blindness, deafness, paraplegia, polio, epilepsy, cerebral palsy, brain injury, learning disabilities, multiple sclerosis, cardiologic involvement, physical and/or psychomotor difficulties, and mental retardation; and

WHEREAS, Many of these special equestrians consider their time spent on a horse to be the high point of their week; therefore be it

RESOLVED, That the Senate designate the week of May 17 through 23, 1987, as "Therapeutic Horseback Riding Week."

## GENERAL COMMUNICATION

### LISTS OF LOBBYISTS AND ORGANIZATIONS

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

#### SENATE OF PENNSYLVANIA

May 4, 1987

To the Honorable, the Senate of the Commonwealth of Pennsylvania  
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from April 1, 1987 through April 30, 1987 inclusive for the 171st Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:  
MARK R. CORRIGAN  
Secretary of the Senate  
JOHN J. ZUBECK  
Chief Clerk  
House of Representatives

(See Appendix for complete list.)

### REPORTS FROM COMMITTEE

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

#### SB 137 (Pr. No. 911) (Amended) (Rereported)

An Act providing for certification of persons who perform radon testing and radon remediation; providing for the confidentiality of certain data; imposing penalties; and making an appropriation.

#### SB 345 (Pr. No. 369) (Rereported)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the exclusion of construction of hydroelectric generating facilities from the tax on utilities.

#### SB 666 (Pr. No. 912) (Amended) (Rereported)

An Act providing for a flag for firefighters killed in the line of duty; and making an appropriation.

## SENATE CONCURRENT RESOLUTION

### WEEKLY ADJOURNMENT

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

In the Senate, May 4, 1987.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 11, 1987, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 11, 1987, unless sooner recalled by the Speaker of the House of Representatives.

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

### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request temporary legislative leaves for Senator Stauffer, Senator Pecora, Senator Madigan, Senator Shaffer and Senator Hopper.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Lewis, Senator Rocks and Senator Zemprelli.

The PRESIDENT. Senator Loeper requests temporary legislative leaves for Senator Stauffer, Senator Pecora, Senator Madigan, Senator Shaffer and Senator Hopper. Senator Mellow requests temporary Capitol leaves for Senator Fumo, Senator Lewis, Senator Rocks and Senator Zemprelli. Are there any objections to the leave requests? The Chair hears none. The leaves will be granted.

### LEAVES OF ABSENCE

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

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

### CALENDAR

#### SENATE RESOLUTION NO. 28, CALLED UP OUT OF ORDER

Senator LOEPER, without objection, called up out of order, from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 28**, entitled:

A Resolution commending the State Board of Education, Department of Education, Pennsylvania Higher Education Assistance Agency and Pennsylvania Association of Colleges and Universities Project for an Informed Choice for the cooperative effort they are engaged in to raise participation rates in post-secondary education in this Commonwealth; and encouraging school districts to consider utilizing the information being made available.

On the question,  
Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 28, ADOPTED**

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 28.

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

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

**YEAS—48**

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

**NAYS—0**

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo. His temporary Capitol leave will be cancelled.

**GUESTS OF SENATOR NOAH W. WENGER  
PRESENTED TO SENATE**

Senator WENGER. Mr. President, it is my pleasure to introduce some very special guests who are in the gallery today. We have Mrs. Betty Geschwindt who is the wife of today's Chaplain and Deborah Lidle who is the daughter of today's guest Chaplain. Would the Senate please recognize Mrs. Geschwindt and Ms. Lidle.

The PRESIDENT. Would the guests of Senator Wenger please rise so that the Senate could afford you its customary warm greeting.

(Applause.)

**GUESTS OF SENATOR GIBSON E.  
ARMSTRONG PRESENTED TO SENATE**

Senator ARMSTRONG. Mr. President, it is my pleasure to introduce to you the young men in the gallery who are from Columbia High School. These young men captured the District III, PIAA, Class AA State Championship in basketball. With them they have their Head Coach, Gary Sutton; Assistant Coach, Phillip Rhoades; and Junior High Coaches, Ken

Haverstick and Jeff Morral. Also with them are the cheerleaders and Superintendent Dawson K. Detwiler. For the record, I would like to add that I believe the team they defeated was from Windber, Pennsylvania. I believe the Lieutenant Governor and Senator Stewart are from that area also. I thought I would just bring it up as a matter of record. I would like you to extend our usual warm greeting to these guests in the audience.

The PRESIDENT. Would the Championship AA Basketball Team and guests of Senator Armstrong rise and be acknowledged, despite beating the wonderful team from Windber.

(Applause.)

**LEGISLATIVE LEAVE CANCELLED**

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

**RECESS**

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin in the Majority caucus room immediately, with the expectation that we would return to the floor about 4:00 p.m.

Senator LINCOLN. Mr. President, I would ask the Members of the Democratic caucus to be prepared to meet at 3:30 p.m. sharp in the Democratic caucus room. There will be a call put out, but plan on meeting around 3:30 p.m.

The PRESIDENT. For the purposes of a Republican caucus to begin immediately and a Democratic caucus to begin at 3:30 p.m., the Senate will stand in recess.

**AFTER RECESS**

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

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet off the floor today to consider Senate Bill No. 4, Resolution No. 54, Resolution No. 55 and certain nominations.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Stauffer. His temporary Capitol leave will be cancelled. The Chair recognizes the presence on the floor of Senator Lewis. His temporary Capitol leave will be cancelled.

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR  
NONPREFERRED APPROPRIATION BILL  
OVER IN ORDER**

**SB 433** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**LEGISLATIVE LEAVES**

Senator LOEPER. Mr. President, Senator Shumaker has been called from the floor and I would request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Shumaker. Is there an objection? The Chair hears none. The leave will be granted.

Senator LOEPER. Mr. President, I have also had an additional request for temporary Capitol leave on behalf of Senator Salvatore.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Salvatore. Without objection, that leave request will be granted.

**LEGISLATIVE LEAVES CANCELLED**

Senator LOEPER. Mr. President, I would also note the presence on the floor of Senator Pecora and ask that his temporary Capitol leave be cancelled.

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Pecora and Senator Zemprelli and their temporary Capitol leaves will be cancelled.

**THIRD CONSIDERATION CALENDAR RESUMED****BILL REREFERRED**

**SB 46 (Pr. No. 594)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Secretary of the Department of General Services to reimburse volunteer fire, ambulance and rescue companies who respond to fires or other emergencies on State-owned property, including limited access highways; and making an appropriation.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on State Government.

**BILL LAID ON THE TABLE**

**SB 135 (Pr. No. 443)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for driving under the influence of nitrous oxide or other intoxicants; and making conforming amendments to Title 42.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I move that Senate Bill No. 135, Printer's No. 443, be laid on the table.

On the question,

Will the Senate agree to the motion?

Senator ANDREZESKI. Mr. President, I have for the last nine days watched this bill go over and on the tenth day watched it be tabled. I would like to object to this bill being tabled because I have an amendment which would eliminate the CAT Fund which I would like to offer at this moment.

The PRESIDENT. The Chair would caution the gentleman that the motion to table is nondebatable, but notes his objection to the motion to the bill being tabled.

And the question recurring,

Will the Senate agree to the motion?

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

**YEAS—34**

Armstrong	Hopper	Musto	Shaffer
Bell	Jubelirer	Pecora	Shumaker
Brightbill	Kelley	Peterson	Stauffer
Corman	Lemmond	Rhoades	Stout
Fisher	Loeper	Rocks	Tilghman
Fumo	Lynch	Ross	Wenger
Greenwood	Madigan	Salvatore	Wilt
Hess	Mellow	Scanlon	Zemprelli
Holl	Moore		

**NAYS—14**

Afflerbach	Hankins	O'Pake	Romanelli
Andrezeski	Jones	Regoli	Stapleton
Bodack	Lewis	Reibman	Stewart
Greenleaf	Lincoln		

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

The PRESIDENT. Senate Bill No. 135 will be laid on the table.

**BILL OVER IN ORDER**

**SB 158 (Pr. No. 800)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing the State System of Higher Education to enter into contracts for maintenance projects to repair buildings and other facilities.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE. Mr. President, since this bill has been substantially amended in committee, I would ask that my name be removed as sponsor.

The PRESIDENT. The gentleman's remarks will be spread upon the record.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I request that Senate Bill No. 158 go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 158 will go over in its order.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 212 (Pr. No. 827)** — 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 admissibility of certain out-of-court statements.

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 LEAVES CANCELLED

Senator LOEPER. Mr. President, I would just note the presence of Senator Shaffer and Senator Salvatore on the floor and ask that their temporary Capitol leaves be cancelled.

The PRESIDENT. The Chair notes the presence on the floor of Senator Salvatore and Senator Shaffer and their temporary Capitol leaves will be cancelled.

And the question recurring,

Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I would only hope that the statements I made last year when the same bill was before the Senate—of course as a different Senate bill number—were available to me, because I would simply repeat the remarks I made last year as to the dangers that are inherent with the passage of this bill. It renders a serious trauma to what some of us have regarded as long-established evidentiary law. What this bill would do is allow the admission of a statement made by a child victim or witness that was made out of the courtroom, thereby obviating the long-established right of cross-examination when the incident involved indecent contact, sexual intercourse, deviate sexual intercourse or aggravated assault under certain circumstances that would go before the court in an in camera hearing. Mr. President, I am not speaking as a civil libertarian, but I am sure that they would join me in their objection to this bill for the very reasons as stated. What we are saying here is that in a closed courtroom some judge can allow the admission of a statement by a child that was not made in a courtroom as part of the evidence and would not allow for the cross-examination of that child. There are pluses and minuses. I understand the sensitivity of children. I understand from some of the history on some of the recent cases where children have later determined that they were not telling the truth under a certain set of circumstances for motivations that were not proper and a lot of damage was done to a lot of people who were, otherwise, found innocent. As a matter of fact, several of those cases came across my desk from the eastern part of the state just this week wherein admissions were later made by persons of very tender age that they had lied under certain circum-

stances and now the guilt of that lie is trying to be reversed and somebody is in jail who should not be in jail. That is with the system the way it is. The system as it would be amended by this bill would simply make a mockery out of due process and conviction beyond a reasonable doubt. It would so traumatize the whole system that I would plead with the Senate not to abrogate the rules of evidence that have worked so well for so long a period of time, understanding their shortcomings.

Senator GREENLEAF. Mr. President, I rise in support of the legislation. First of all, it is a piece of legislation that passed last Session overwhelmingly, 43-6. It is identical to the legislation that was introduced last Session. It is an attempt to help to even the scales of a child sexual victim who is in the courtroom and facing a mature adult defendant who has victimized that individual. The hearsay provisions of the laws of evidence of Pennsylvania are replete with exceptions to the hearsay rule. It is not a matter that has not been touched by the courts. There are probably volumes and volumes on hearsay and hearsay exceptions to that rule of evidence. The main consideration in dealing with such an exception is, is it reliable? I think there is indicia here in the bill and safeguards in the bill that will ensure that the statements are reliable. The court must rule on those statements. First of all, the tenderness of the years of the child and the exception of twelve years of age would ensure that it is less likely for someone of that age to be coming up with a fabrication. In addition, if the child would have to testify himself and if he does not or she does not, there has to be some corroborating testimony or corroborating evidence other than just a statement of the child. All too often, immediately after an incident such as this, the child will make the statement to his or her parents about what has happened and later on those statements are extremely important. A child may clam up and may decide not to testify and then the prosecution is left without anything to go on. I think it is important for us to give the children of our Commonwealth a fair chance in the courtroom. It is not an unusual provision. Eleven other states have adopted such a hearsay exception that has been supported by the United States Department of Justice, the National Institute of Justice, the Young Lawyers Division and the American Bar Association, and in a recent decision by the Pennsylvania Superior Court, that court called upon the Legislature to adopt just such a tender years hearsay exception to the evidentiary rule, and I would urge the Commonwealth to do that.

Senator FUMO. Mr. President, I believe the issue is a very touchy one and, certainly, an emotional one and certainly a high visibility one that lends itself to sensationalism, but I believe it is an issue that we should not get caught up in the crowd of trying to solve problems by creating other problems. The exceptions to the hearsay rule the gentleman from Montgomery, Senator Greenleaf, previously spoke of are deeply set in our history of jurisprudence, but they deal with the statement and not the person making the statement. They deal with whether or not there was reason to believe that the statement was reliable and the circumstances, be they sua sponte or things of that nature, not whether or not the person



is young or things of that nature. One of the things that this country is unique in and that we pride ourselves on is the right to cross-examine our accusers and the right to have the access to cross-examination of witnesses. I recognize that sometimes this is a very difficult area to deal with but, nonetheless, it is one in which we still must protect the civil liberties of those involved. It is an issue that is touchy. It is a tough issue. It is one that requires courage, not one that requires us to hasten into trying to solve problems by creating additional ones, and I do not want to repeat myself.

As to the fact that eleven other states may have adopted this, Mr. President, I am not at all persuaded by that. There are thirty-some states that have adopted the increase in the speed limit, yet we say we are not going to do it. There are a lot of states that do a lot of things differently and we do not do it. I do not think Pennsylvania has to be getting on some bandwagon on this issue. I think what we have to do is stop and recognize that, yes, sometimes it is difficult to speak for the accused, but that is what America is about, that fact that those people get a fair trial and that they have the right to face their accusers and have the right to a cross-examination of that witness. Mr. President, I urge a negative vote.

Senator BELL. Mr. President, I could not help but think as my good friend, the gentleman from Allegheny, Senator Zemprelli, talked about children recanting their testimony or changing their testimony. I read the papers too. I find there are an awful lot of adults who seem to change their testimony, and they were under cross-examination. I do not think that is much of an argument. My friend, the gentleman from Philadelphia, Senator Fumo, said the exceptions to the hearsay law do not extend to the person making the statement. I thought dying declarations were exceptions to the hearsay law because a guy died. Maybe I am not up on my law like some of the practicing attorneys are. Finally, about this speed limit business, do not use the word "we," because a number of us in this room would love to be like the other thirty states.

In conclusion, this is a very hard decision to make. I am going to vote the same way as I did last time. I am thinking of the youngster, very young, sexually assaulted or molested, whether male or female, and in front of a big courtroom with all kinds of people—some of them in there, as the gentlemen from Philadelphia and Allegheny know very well, go just to get a thrill out of watching these kinds of trials—and I think we should protect the youngster. It is a hard decision, but I am going to vote the way I did the last time.

Senator KELLEY. Mr. President, I tend to disagree with the conclusion of the gentleman from Delaware. I do not think it is a particularly difficult question if we keep in perspective that the rules of evidence that have developed over a period of centuries, we would recognize that they were not so inflexible but, rather, a series of rules that grew out of necessity and experience in society at the time. I would not be a bit surprised, Mr. President, if we started listing all of the exceptions of the hearsay rule, we will find some of them are quite modern, up to the present time. What we have here is a question of the recognition by us in this legislation that it has come

to public notoriety and disclosure that many, many youngsters are the victims of sexual offenses, and the tradition is that because of their age they have been reluctant to testify or the trauma to which those victims would be subjected by going into court and the aura of the courtroom, they would be in such fear and trepidation they would not even be able to speak the truth because of the emotional experience. I believe this bill, after much reflection, is a very proper direction for us to take. I do not believe it violates any of the traditional rules of jurisprudence procedurally. In fact, I would suggest that any wise court in due course would give recognition to this kind of a procedure in order to get to the truth. Remember the rules of evidence and qualification of witnesses. All are based on the idea of getting the truth. There is sufficient safeguard in this bill that would allow for the opponents to the testimony, upon due notice from the proponent, to be able to meet with the fair opportunity, the evidence. I think, therefore, that if we are trying to give recognition to the public awareness that has been growing in recent years of sexual offenses on young people, that this, by all means, is absolutely necessary for the courts to get to the truth of the matter on these cases. I would urge an affirmative vote.

Senator ZEMPRELLI. Mr. President, in response to the statement by the gentleman from Delaware, Senator Bell, that it would be much like a circus and there are people who would want to go to hear this trial because of its sensationalism, I would suggest to him that it is my understanding of the rules of court that the court would have the power, if the same judge who was passing upon the matter of the content of the testimony of the youth, to close the hearing to the public.

Mr. President, I would also call attention to both counsel, both of whom are attorneys, the gentleman from Delaware, Senator Bell, as well as the gentleman from Westmoreland, Senator Kelley, that with the modern technology we now have there is a procedure authorized by the rules of court that allow deposition by video camera which would be confined to a small chamber, much the same as an attorney's office or a judge's courtroom chamber. In that proceeding the opportunity for cross-examination would prevail. All sides would be represented, and the intimidation of a child, if that is the reason for this particular legislation, would not be, in my judgment, any greater there than it would be under the circumstances that this bill would set forth.

Mr. President, I just simply suggest that to abrogate the right to cross-examination is a serious deficiency in this bill, and to allow a judge to sit as the sole party to determine the issue of what is provided for in subsection (a)2 is a power that should not be granted to the court. There are means of acquiring the same end that are available by rules of court which would provide for fairness and would provide for representation on both sides and are available to both the court and to the litigants.

Senator FUMO. Mr. President, just as a final follow-up, in Philadelphia in all cases involving children as victims, the hearings are held in the family court at 1801 Vine Street, usually, and that is a closed setting. Spectators are not

allowed in to have fun, I believe, or whatever the gentleman from Delaware, Senator Bell, referred to.

More importantly, Mr. President, I once tried a case of this nature as a defense lawyer and it was probably the toughest case I ever tried. If anyone thought it was easy to cross-examine the alleged victim, please do not believe it was. It was the toughest thing I ever had to do as a lawyer in my life, but it was necessary. The child was not intimidated, the setting was such that the truth got out, at least from what was believed by the court, and justice was done. I, in fact, lost the case. I do not know if it was because of my skills or what, but it was a tough thing to have to do.

Mr. President, we all know and we have seen in the past, situations wherein children sometimes are forced by one parent to get at the other parent, a divorce situation, a visitation, whatever. That could easily be the corroborating witness that this bill calls for, and then not to allow that child into a court of law where the truth might really be gotten at, that the child did, in fact, make up the story, would be a gross miscarriage of justice. Our system has served us well over the years. There are many ways to solve the problem of sexual abuse of these children. This is not one of the appropriate tools, because when you put things on a balance, the little bit of good that might be done with this legislation in some instances is going to be far outweighed by the great amount of damage that will be done in the end to our system and also maybe even to some of the alleged people who have done this when, in fact, the stories may have been made up. There are a lot of ways to treat the problem socially and psychologically and those areas I support, but to take away civil rights and civil liberties on an issue such as this—and most of these cases involve families, most of these cases involve fathers with children, and that is the issue. It is not that it is a rape on the street corner or something like that. They are family situations and there is a need to get at the truth in those types of emotionally charged situations. You cannot exclude the key witness and allow some other person to come in and say what happened. That is not a valid exception in the hearsay rule for the purposes we talked about. When I said earlier that the philosophy behind the exceptions to the hearsay rule was to get at the truth, it does not usually concern the individual making the statement but the circumstances around it and the statement itself. When someone is dying, as the gentleman from Delaware, Senator Bell, said, I agree with that. There is a natural belief that, in most cases, that person will tell the truth on his deathbed, but when a child is isolated from the system who may have been put up to this by one parent in the first place, there is no equal amount of belief that we should have that that child has made a true statement and should not have to withstand cross-examination on the issue. The child is available. Granted, it is tough. Granted, it is not the most fun thing to do. I do not know if anyone in here has ever defended someone in that circumstance. I have and it was tough, but it is certainly appropriate and is necessary in a democracy.

Senator GREENLEAF. Mr. President, just briefly, first of all, the bill does provide for the cross-examination of the child

if present in the courtroom. If they are not available, then there has to be other corroborating evidence, but the child is not relieved of being subjected to cross-examination during the prosecution. I mentioned in my previous remarks those individuals in states and departments of justice and the Superior Court have all called for this. It is not an unusual situation. This is called the "tender years" exception to the hearsay rule and is supported by the United States Supreme Court. In *Ohio vs. Roberts*, a 1980 decision, the United States Supreme Court held an out-of-court statement does not violate the Sixth Amendment of the United States Constitution if the defendant testifies at trial or if the victim testifies at trial and is unavailable to testify and the statement has sufficient indicia of reliability. All of these tests set forth in the United States Supreme Court decision are contained in Senate Bill No. 212 and adequately meet the constitutional requirements. It is not a violation of civil rights or constitutional rights according to the United States Supreme Court and our Superior Court.

#### LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, before we vote on this issue, I would request a temporary Capitol leave on behalf of Senator Wilt.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Wilt. The Chair hears no objection. The leave will be granted.

Senator ZEMPRELLI. Mr. President, I would request a temporary Capitol leave on behalf of Senator Lincoln.

The PRESIDENT. Senator Zempirelli requests temporary Capitol leave for Senator Lincoln. Is there an objection? The Chair hears none. The leave will be granted.

#### LEGISLATIVE LEAVE CANCELLED

Senator LOEPER. Mr. President, I would note the presence on the floor of Senator Hopper and ask that his temporary Capitol leave be cancelled.

The PRESIDENT. The Chair notes the presence on the floor of Senator Hopper. 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—45

Afflerbach	Holl	Mellow	Ross
Andrezeski	Hopper	Moore	Salvatore
Armstrong	Jones	Musto	Shaffer
Bell	Jubelirer	O'Pake	Shumaker
Bodack	Kelley	Pecora	Stapleton
Brightbill	Lemmond	Peterson	Stauffer
Corman	Lewis	Regoli	Stewart
Fisher	Lincoln	Reibman	Stout
Greenleaf	Loeper	Rhoades	Tilghman
Greenwood	Lynch	Rocks	Wenger
Hankins	Madigan	Romanelli	Wilt
Hess			



## NAYS—3

Fumo Scanlon Zemprelli

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 251 and 312** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL REREFERRED

**SB 440 (Pr. No. 477)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making repeals.

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

## BILL ON THIRD CONSIDERATION AMENDED

**SB 527 (Pr. No. 882)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Environmental Hearing Board as an independent, quasi-judicial agency; providing for the membership and staff, powers and duties, seats and existing members of the board; making an appropriation; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 3, page 2, line 5, by inserting after "judges.": Members shall devote full time to their official duties. No member shall hold any office or position, the duties of which are incompatible with the duties of his office or be engaged in any business, employment or vocation for which he shall receive any remuneration, except that members may speak, write or lecture if any reimbursed expenses, honorariums, royalties or other moneys received in connection with these activities are disclosed.

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 MELLOW.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 551 (Pr. No. 829)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Rural Economic Development Program for rural Pennsylvania; imposing additional powers and duties on the Department of Commerce, the Department of Education and the State System of Higher Education; making appropriations; and making a repeal.

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

On the question,

Shall the bill pass finally?

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

## YEAS—47

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

## 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 present said bill to the House of Representatives for concurrence.

## SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE  
AS AMENDED ON SECOND CONSIDERATION

**SB 3 (Pr. No. 864)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Office of Small Business Advocate in the Office of Attorney General; providing for the powers and duties of the Office of Small Business Advocate and the Pennsylvania Public Utility Commission in relation thereto; and making a temporary appropriation.

Considered the second time and agreed to,

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

NONPREFERRED APPROPRIATION BILL  
ON SECOND CONSIDERATION AMENDED

**SB 698 (Pr. No. 783)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1986 (P. L. 1914, No. 12A), entitled "A supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled 'University of Pittsburgh—Commonwealth Act,' making appropriations for carrying the same into effect;....," increasing the appropriation for educational and general expenses.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 1), page 3, line 5, by striking out all of said line and inserting: \$100,388,000

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

#### NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

**SB 706 (Pr. No. 791)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1986 (P. L. 1918, No. 13A), entitled "A supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled 'Temple University—Commonwealth Act,' making appropriations for carrying the same into effect;....," increasing an appropriation.

Considered the second time and agreed to,

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

**SB 708 (Pr. No. 807)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1986 (P. L. 1922, No. 14A), entitled "A supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled 'Lincoln University-Commonwealth Act,' making appropriations for carrying the same into effect;....," increasing the appropriation.

Considered the second time and agreed to,

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

#### BILL RECOMMENDED

**SB 23 (Pr. No. 799)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring the date of packaging of perishable foodstuffs to appear on the package; and providing a penalty.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Consumer Protection and Professional Licensure.

#### BILL OVER IN ORDER

**SB 56** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 88 (Pr. No. 1331)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the celebration of the 200th Anniversary of Pennsylvania's ratification of the United States Constitution; providing for a reenactment of ratification events by a legislative committee and certain students; providing for debating and essay contests and other events; creating the Legislative Bicentennial

Subcommittee, providing for its powers and duties and transferring an unexpended appropriation thereto; imposing duties upon intermediate units; and providing for the termination of the subcommittee.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**SB 136** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**SB 154 (Pr. No. 596)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," increasing reimbursement for school building construction; and making editorial changes.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**SB 235, 306, 474, 514 and 540** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**SB 642 (Pr. No. 724)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for background checks of prospective employees.

Considered the second time and agreed to,

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

**SB 656 (Pr. No. 738)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 13, 1982 (P. L. 1127, No. 257), entitled "Commonwealth Agency Adjudicatory Expenses Award Law," further providing for the review of award determinations; and extending the statute for an additional ten-year period.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**SB 658** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SB 165 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 165, Printer's No. 266, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

## UNFINISHED BUSINESS SENATE RESOLUTIONS

### DESIGNATING MAY 4, 1987, AS "ISRAELI INDEPENDENCE DAY" IN PENNSYLVANIA

Senators SALVATORE, JUBELIRER, REIBMAN, STAUFFER, HELFRICK, O'PAKE, BELL, SHUMAKER, PECORA, ARMSTRONG, FUMO, WENGER, BODACK, BRIGHTBILL, FISHER and GREENLEAF offered the following resolution (*Senate Resolution No. 60*), which was read, considered and adopted:

In the Senate, May 4, 1987.

#### A RESOLUTION

Designating May 4, 1987, as "Israeli Independence Day" in Pennsylvania.

WHEREAS, After World War II, large numbers of Jewish refugees, uprooted by the war and Hitler's holocaust, sought to emigrate to Palestine, their ancestral home; and

WHEREAS, To avoid open Arab-Jewish conflict, the newly formed United Nations partitioned British-held Palestine between the Arabs and the Jews; and

WHEREAS, During May 1948, the British completed their withdrawal by lifting their naval blockade, and Jewish emigres streamed into Palestine; and

WHEREAS, With the British gone, the State of Israel was proclaimed; and

WHEREAS, Although Israel has been embroiled in conflict since its establishment, Israeli's existence is a continuing source of pride and inspiration for the 400,000 Jews in Pennsylvania, the 6,000,000 Jews in the United States and the millions more Jews around the world; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania designate May 4, 1987, as "Israeli Independence Day" in Pennsylvania.

### RECOGNIZING MAY 3 THROUGH 9, 1987, AS "TEACHER APPRECIATION WEEK" IN PENNSYLVANIA

Senators HESS and REIBMAN offered the following resolution (*Senate Resolution No. 61*), which was read, considered and adopted:

In the Senate, May 4, 1987.

#### A RESOLUTION

Recognizing May 3 through 9, 1987, as "Teacher Appreciation Week" in Pennsylvania.

WHEREAS, May 6, has been designated as national "Teacher Appreciation Day" to honor the more than 3,000,000 dedicated teachers who are such an integral and vital part of the American educational system; and

WHEREAS, More than 122,000 teachers in Pennsylvania instruct almost 2,000,000 students from kindergarten through 12th grade; and

WHEREAS, In addition, more than 21,000 teachers instruct nearly 540,000 postsecondary students in Pennsylvania; and

WHEREAS, Of the 77,691 Pennsylvania high school graduates who entered college in 1981-1982, only 5,961 of them chose the

teaching profession four years later, continuing a downward trend; and

WHEREAS, We need to encourage more of our young people to enter this noble and valuable profession; therefore be it

RESOLVED, That the Senate of Pennsylvania recognize May 3 through 9, 1987, as "Teacher Appreciation Week" in Pennsylvania and express its congratulations and its gratitude to our teachers for a job well done.

### DESIGNATING THE MONTH OF MAY 1987 AS "DRUG FREE AWARENESS MONTH"

Senators PETERSON, SHUMAKER, RHOADES, HOPPER, REGOLI, AFFLERBACH, LINCOLN, MELLOW, ROCKS, STOUT, BODACK, WENGER, LEMMOND and MUSTO offered the following resolution (*Senate Resolution No. 62*), which was read, considered and adopted:

In the Senate, May 4, 1987.

#### A RESOLUTION

Designating the month of May 1987 as "Drug Free Awareness Month."

WHEREAS, Illegal drug use continues to increase at an alarming rate each year to the extent that it has affected most households in this Commonwealth; and

WHEREAS, Sixty percent of all teenaged children have tried some type of illegal drugs; and

WHEREAS, One out of seven individuals in the larger communities in Pennsylvania has tried some form of cocaine, including the deadly drug called "crack"; and

WHEREAS, The use of prescription drugs is also increasing exponentially, and more and more individuals are becoming addicted to them annually; and

WHEREAS, "Designer Drugs," "Look Alike Drugs," "Speed Balling" (mixing heroin and cocaine) and "Free Basing" (smoking pure cocaine) have all become recent fads among the youth of our State; and

WHEREAS, Alcohol is still the drug that causes the highest number of deaths among Pennsylvania's young adult population; and

WHEREAS, Drug addiction does not discriminate on the basis of wealth, age, race or background; and

WHEREAS, The only way to bring this problem under control is to make everyone aware of the devastating effects drugs can have on one's life; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania hereby designate the month of May 1987 as "Drug Free Awareness Month."

## CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Robert B. Yoder by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Keenan by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Campbell, Mr. and Mrs. Warren J. Dowling, Mr. and Mrs. Lyle Goodman, Mr. and Mrs. Donald Stoner and to Mr. and Mrs. Anthony A. Torsell by Senator Corman.

Congratulations of the Senate were extended to Jeff Popielarz by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Kermit Van Dine by Senator Greenleaf.

Congratulations of the Senate were extended to David M. Laser by Senator Greenwood.

Congratulations of the Senate were extended to Shamokin State General Hospital by Senator Helfrick.

Congratulations of the Senate were extended to Russell C. Reitz by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Leberfinger, Mr. and Mrs. Charles McCoy, Mr. and Mrs. William R. McMinn, Mr. and Mrs. Howard Miller, Mr. and Mrs. Ralph O'Neal, Mr. and Mrs. Roy Pheasant, Mr. and Mrs. Fred Shields, Mr. and Mrs. Marion B. Smith, Mr. and Mrs. Virgil Stroup and to Mr. and Mrs. D. Clair Whiteleather by Senator Jubelirer.

Congratulations of the Senate were extended to the National Pike on its fourteenth anniversary by Senator Lincoln.

Congratulations of the Senate were extended to Michael Matricciano and to Melissa Jean McKay by Senator Loeper.

Congratulations of the Senate were extended to the Titusville Area Hospital Auxiliary by Senators Peterson and Wilt.

Congratulations of the Senate were extended to the Eleanor Roosevelt Democratic Club of Bethlehem by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent Reichwein by Senator Rhoades.

Congratulations of the Senate were extended to Mr. Archie "Scotty" Campbell by Senator Rocks.

Congratulations of the Senate were extended to John Todd Rossman and to David E. Singer by Senator Ross.

Congratulations of the Senate were extended to William J. Kovatch, Jr. by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Berte Luxon and to The United Way of Butler County by Senator Shaffer.

Congratulations of the Senate were extended to Lucy J. Cremonesi, W. W. Dodson, Honorable Homer L. Kreider, Nita Kreider, Frederick L. Morgenthaler, Jr., Marshall S. Waters, Adam B. Hoover, Edgar W. Mitchell, Lillian D. Morrison, Virginia Morgenthaler, Anna Pease, Margaret C. Waters and to William F. Shillenn, Jr. by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Madison A. Craig, Mr. and Mrs. Milsome J. Harvey, Mr. and Mrs. Elmer Jamison, Mr. and Mrs. Peter Marcoline, Sr., Mr. and Mrs. Robert Martin and to Mr. and Mrs. Leo Rettig by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Brandenburg, Mr. and Mrs. Norman M. Crile, Mr. and Mrs. Leonard Petracchi, Mr. and Mrs. J. Floyd Phillips and to Mr. and Mrs. Bango Puchi by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Turpin by Senator Wenger.

Congratulations of the Senate were extended to Kenneth Guthrie by Senator Wilt.

Congratulations of the Senate were extended to Eva Vujevich by Senator Zemprelli.

### MEETING OF COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator LOEPER. Mr. President, at this time I would like to request a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room at the rear of the Senate Chamber.

The PRESIDENT. Does the gentleman object to us continuing on with completing the business of the Senate?

Senator LOEPER. No, Mr. President, that would be fine.

The PRESIDENT. Senator Loeper requests the immediate convening of the Committee on Rules and Executive Nominations in the Rules Committee room at the rear of the Chamber. Would all Members of the Committee on Rules and Executive Nominations please proceed to the rear of the Chamber while we complete the business at hand.

### PETITIONS AND REMONSTRANCES

Senator ANDREZESKI. Mr. President, earlier in dealing with the legislative Calendar, we took Senate Bill No. 135, which was on its tenth day and placed that bill on the table. I do not wish to talk to Senate Bill No. 135, but I wish to talk to the fact that for ten days I watched this legislative bill, a Title 75 or vehicle bill, go over, and for ten days I was not provided an opportunity to offer an amendment. I would like to speak to the amendment I was to offer, and that amendment, Mr. President, was an amendment to eliminate the Catastrophic Loss Trust Fund that we have in Pennsylvania, otherwise known as the CAT Fund. This Catastrophic Loss Trust Fund, which is better known, as I said, as the CAT Fund, was first established in 1984 to protect those victims of catastrophic accidents which would require more than \$100,000 and up to \$1 million in medical bills.

At that time, in 1984, we replaced the two most hated words in the English language—"no fault"—with the Motor Vehicle Financial Responsibility Law, which was sold to us as a bill of goods that would ultimately reduce auto insurance premiums.

Three years later, we can take consolation in some facts, one being that auto insurance premiums are only increasing, in most instances, at single-digit rates instead of double-digit rates until recently, when a series of companies did increase as high, I think, as 23 percent. Premiums, which we were led to have some idea would go down or stabilize, have not done either. The only consolation might be that the rate of increase has been slowed, if you call 9 percent slow. As we stand here today, we have come with the two most hated words in our insurance language becoming "CAT Fund."

The CAT Fund itself, Mr. President, is a catastrophe. It was foisted on a nonprofit organization by special interests who did not want to be saddled with its nightmarish adminis-

tration. It was tangled up with the Department of Transportation as a means of blackmailing law-abiding car owners—who renew their registrations each year—into buying into the same charade that we here bought into or else lose their car registration.

It was another \$5.00 fee that state government tacked onto a skeptical public and now we see that their skepticism was, indeed, healthy insofar as they knew long before the actuarial firms did. They had a sense that it would only be a matter of time before the \$5.00 became \$8.00, the \$8.00 became \$12, the \$12 became \$27, and so on, and in the end only a matter of time before this so-called bargain becomes a burden on registered car owners in this Commonwealth.

Mr. President, I was to stand here and offer an amendment to eliminate the CAT Fund today and to have the Insurance Department promulgate a set of regulations for catastrophe funding in Pennsylvania. Mr. President, a year and a half ago the House of Representatives in this General Assembly voted 142-53 to abolish the same CAT Fund. What did the Senate do? We adopted a resolution studying the collection problem and made a few window dressing recommendations and said, in effect, "Don't worry, the people will get over it, they'll forget about it, everything will work out."

Well, Mr. President, if we had acted a year and a half ago in the same way that the House acted to public outcry, our constituents might face a better prospect under some alternate system of catastrophe insurance coverage than they today face with a system that has a very, very outstanding unfunded liability, a fund that itself will dip further into their pockets this October without providing them one more dollar in coverage, in fact, further providing them with an extended liability.

Mr. President, there is an old saying that goes, "Fool me once, shame on you. Fool me twice, shame on me." We stood on the floor of this Senate and voted once already to start this program and three years later we should be provided with a second chance to vote on whether or not we will continue with this charade.

I sincerely hope, if it takes that long, on October 1st, when my colleagues start to see the number of incoming calls at their district offices go up dramatically with callers complaining about the CAT Fund, all of those who somehow take part in not voting or delaying or not facing up to this problem might be honest enough to tell their constituents that they, too, were fooled twice on this issue. There are also those, Mr. President, who say if we were to give this up there are claims that have to be paid, and I fully agree with that. I would not want to see any claim that is filed under the CAT Fund be dismissed or diminished in any way. The unfunded liability is enormous. If we were to stop today someone might make the claim against doing this that our unfunded liability would be in the \$100 million range. Mr. President, yes, it might be in the \$100 million range and we have to make a very hard decision on this liability question. Do we stop when the unfunded liability is in the \$100 million range or do we go to the projected figures done by the actuary study of \$271.5 million? Where do we stop? Where do we start and where do we finally

say that we have a responsibility to the people who drive and not just to the insurance industry that made an insurance business out of the State of Pennsylvania?

On those words, I hope that we in this Senate Chamber will see other Title 75 bills come up on the Senate floor. I fully hope to try and amend an alternative to what we have in there now, that is an alternative that would eliminate the CAT Fund, that would keep the provisions of the prevailing law for those who need those provisions, but provide all of us with a fair and realistic program of insurance that takes into account that people are having a lot of trouble paying these insurance premiums even when this so-called financial responsibility law that was supposed to save us money came into being.

## BILLS INTRODUCED AND REFERRED

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

May 4, 1987

Senator GREENLEAF presented to the Chair **SB 775**, entitled:

An Act amending the act of December 16, 1986 (P. L. 1641, No. 187), entitled "Little Randolph-Sheppard Act," redefining "State Property" to exclude State institutions administered by the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 4, 1987.

Senator LOEPER, LEWIS, SALVATORE, HOPPER, BRIGHTBILL, GREENLEAF, GREENWOOD, FISHER, HESS, HELFRICK, RHOADES and CORMAN presented to the Chair **SB 776**, entitled:

An Act providing for substance-abuse testing; providing for a cause of action; providing penalties; and conferring powers and duties on the Department of Health.

Which was committed to the Committee on LABOR AND INDUSTRY, May 4, 1987.

Senators GREENWOOD, LEWIS, REIBMAN, PECORA, STOUT and PETERSON presented to the Chair **SB 777**, entitled:

An Act relating to fundraising by law enforcement officers and emergency service employees; creating a commission; requiring registration; granting powers to and imposing duties upon the Department of State and the Attorney General; and imposing penalties.

Which was committed to the Committee on STATE GOVERNMENT, May 4, 1987.

Senator KELLEY presented to the Chair **SB 778**, entitled:

An Act amending the act of April 23, 1956 (1955 P. L. 1510, No. 500), entitled, as amended, "Disease Prevention and Control Law of 1955," providing for collection of blood; further providing for confidentiality, for regulations and for penalties; and making an editorial change.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 4, 1987.

Senators STOUT, MUSTO, SHAFFER, FISHER and REIBMAN presented to the Chair **SB 779**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," imposing additional responsibilities on State associations; and authorizing additional delegates to annual meetings of State associations.

Which was committed to the Committee on LOCAL GOVERNMENT, May 4, 1987.

Senators STOUT, STAPLETON, O'PAKE, REGOLI, AFFLERBACH and ROSS presented to the Chair **SB 780**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," mandating that all school districts provide instruction for the safe driving of motor vehicles; and making an editorial change.

Which was committed to the Committee on EDUCATION, May 4, 1987.

Senators STOUT, MUSTO, SHAFFER, FISHER and REIBMAN presented to the Chair **SB 781**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for certain fiscal training for managers of certain employees.

Which was committed to the Committee on LOCAL GOVERNMENT, May 4, 1987.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator BRIGHTBILL, 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 COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

March 31, 1987.

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 Kay Harte, 355 Ridge Avenue, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1989, and until her successor has been appointed and qualified, vice John Lane, Pittsburgh, resigned.

ROBERT P. CASEY.

PROTHONOTARY, CHESTER COUNTY

April 20, 1987.

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 Marian L. Bartlett, 717 Brainerd Road, Exton 19341, Chester County, Nineteenth Senatorial District, for appointment as Prothonotary in and for the County of Chester, to serve until the first Monday of January, 1988, vice Irene B. Brooks, resigned.

ROBERT P. CASEY.

### NOMINATIONS LAID ON THE TABLE

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

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

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, MAY 5, 1987

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 321, 618, 710, 738; House Bill No. 210; PUC Reg. L-860027 and the nomination of William H. Smith, Esquire to be a member of the Pennsylvania PUC)	Room 461, 4th Floor Conference Rm., North Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 308, 426, 678, 679 and House Bill No. 196)	Senate Majority Caucus Room
11:30 A.M.	FINANCE (to consider Senate Bills No. 60, 255, 279, 473, 596 and 747)	Room 459, 4th Floor Conference Rm., North Wing
off the floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 59; House Resolutions No. 64, 78 and certain Executive Nominations)	Rules Committee Conference Room

WEDNESDAY, MAY 6, 1987

11:00 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 8, 9, 193, 430, 659 and further discussion on the "decemer clause")	Room 461, 4th Floor Conference Rm., North Wing
1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing on the nomination of Daniel Clearfield to become a member	Senate Majority Caucus Room



of the PUC)

THURSDAY, MAY 7, 1987

9:30 A.M. EDUCATION (to consider Room 459,  
PA Standards and Practices 4th Floor  
Commission—Sunset Review) Conference Rm.,  
North Wing

MONDAY, MAY 11, 1987

1:00 P.M. ENVIRONMENTAL Room 459,  
RESOURCES AND ENERGY 4th Floor  
(to consider staff report Conference Rm.,  
on PA coal mining regula- North Wing  
tions and Senate Bill No.  
610)

TUESDAY, MAY 12, 1987

9:30 A.M. STATE GOVERNMENT Room 460,  
(Sunset Public Hearing on 4th Floor  
State Planning Board) Conference Rm.,  
North Wing

THURSDAY, MAY 14, 1987

9:30 A.M. EDUCATION (to consider Room 459,  
PA Standards and Practices 4th Floor  
Commission—Sunset Review) Conference Rm.,  
North Wing

THURSDAY, MAY 21, 1987

9:30 A.M. EDUCATION (to consider Room 459,  
PA Standards and Practices 4th Floor  
Commission—Sunset Review) Conference Rm.,  
North Wing

9:30 A.M. LAW AND JUSTICE Senate Majority  
(Public Hearing on Senate Caucus Room  
Bill No. 696)

WEDNESDAY, MAY 27, 1987

12:00 Noon EDUCATION (Public Hearing Senate Majority  
on Senate Bill No. 333— Caucus Room  
Tuition Account Plan)

TUESDAY, JUNE 2, 1987

9:30 A.M. STATE GOVERNMENT Room 460,  
(Sunset Public Hearing on 4th Floor  
State Art Commission) Conference Rm.,  
North Wing

TUESDAY, JUNE 9, 1987

10:00 A.M. JUDICIARY (Public Hearing Senate Majority  
on Senate Bills No. 324, Caucus Room  
401 and Mandatory Drug  
Sentencing)

The SECRETARY. Senator Rhoades wants to make an announcement that an informational meeting on Senate Bill No. 730, accessibility legislation, will be held in Room 459 at 10:30 tomorrow, Tuesday, May 5th. At that time members of the task force on Act 235 will be on hand to make a presentation and answer questions regarding this legislation.

## RESOLUTIONS REPORTED FROM COMMITTEE

Senator STAUFFER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following resolutions:

### SR 54 (Pr. No. 879)

A Resolution designating the week of July 27 through August 2, 1987, as Korean War Veterans Week.

### SR 55 (Pr. No. 892)

A Resolution proclaiming Sunday, October 4, 1987, as "Pennsylvania Stepparents Day."

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

## REPORT FROM COMMITTEE

Senator STAUFFER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following bill:

### SB 4 (Pr. No. 915) (Amended) (Rereported)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the continuance of the budget of the preceding year in the event that a new budget is not adopted by July 1.

## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, May 5, 1987, at 1:00 p.m., Eastern Daylight Saving Time.

The PRESIDENT. Prior to the adjournment vote, the Chair would remind all Members that tomorrow is picture day and it would be advisable to be on the floor at precisely 1:00 o'clock to proceed with the picture.

The motion was agreed to.

The Senate adjourned at 5:55 p.m., Eastern Daylight Saving Time.