

Legislative Journal

THURSDAY, FEBRUARY 24, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 13

SENATE

THURSDAY, February 24, 1983.

The Senate met at 10:00 a.m., Eastern Standard Time.

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

PRAYER

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

O Lord, hear the prayer we make today. Bless our Nation, our Commonwealth, and these our leaders in particular. May they serve Thee aright with faithfulness and honor. May their love for God and their fellow man be visible in all their decisions.

Use them as instruments of Thy peace this day and every day.

Give them strength to be eternally true to their calling, even as we are to ours. 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 February 23, 1983.

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

LEAVE OF ABSENCE

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

LEGISLATIVE LEAVES OF ABSENCE

Senator JUBELIRER. Mr. President, I request legislative leaves of absence for all of the Members of the Committee on Environmental Resources and Energy. The Republicans on that committee who have requested legislative leaves are the chairman, Senator Fisher, as well as Senator Wilt, Senator Greenleaf, and Senator Rhoades. They are holding a hearing on the nomination of the Governor's nominee for secretary of that department.

I further request a legislative leave of absence for today's Session for Senator Shaffer, who is in the city of New Castle

meeting with officials on economic development. I also request legislative leaves of absence for Senator Loeper, who is in his district speaking on the issue of retail oil divorcement to a group of oil companies, and for Senator Kusse, who is in his district on legislative business as well.

Mr. President, I also add Senator Holl to that list.

Senator REIBMAN. Mr. President, I request legislative leave for Senator Singel, who has commitments in his district dealing with the area's high unemployment rate.

I also request legislative leave for myself for the balance of the Session to attend a meeting in my district.

Mr. President, I have just been handed a note that Senator Andrezeski requests legislative leave.

The PRESIDENT pro tempore. Legislative leaves have been requested for Senator Fisher, Senator Wilt, Senator Greenleaf, Senator Rhoades, Senator Singel, Senator Shaffer, Senator Loeper, Senator Kusse, Senator Holl, Senator Reibman and Senator Andrezeski. Some of those leaves are temporary leaves until the meeting of the Committee on Environmental Resources and Energy is over.

Senator ZEMPRELLI. Mr. President, I request additional temporary leaves on behalf of Senator Mellow, Senator Lincoln, Senator Kelley, Senator Ross and Senator Stapleton, who are attending a conference hearing for nominee Nicholas DiBenedictis, Senator Scanlon, as well as Senator Lynch. Also, for Senator Williams, who is engaged in legislative work at the present moment.

The PRESIDENT pro tempore. Leaves have also been requested for Senator Mellow, Senator Williams, Senator Lincoln, Senator Kelley, Senator Ross, Senator Stapleton, Senator Lynch and Senator Scanlon.

The Chair hears no objection and all leaves requested are granted.

LEGISLATIVE LEAVE CANCELLED

Senator JUBELIRER. Mr. President, I note the presence of Senator Greenleaf on the floor and would ask that his legislative leave be cancelled.

The PRESIDENT pro tempore. Senator Greenleaf is present and will be voting.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

February 24, 1983

Senators FUMO, ROCKS, LYNCH, HANKINS, LLOYD and WILLIAMS presented to the Chair **SB 374**, entitled:

An Act making an appropriation to the City of Philadelphia for the Port of Philadelphia.

Which was committed to the Committee on APPROPRIATIONS, February 24, 1983.

Senators FUMO, ROCKS, LYNCH, MELLOW and WILLIAMS presented to the Chair **SB 375**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing college education for certain Vietnam veterans.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 24, 1983.

Senators FUMO, SINGEL, MELLOW, BODACK and WILLIAMS presented to the Chair **SB 376**, entitled:

An Act concerning automobile warranties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 24, 1983.

Senators FUMO, ROCKS, LYNCH, HANKINS, SINGEL and WILLIAMS presented to the Chair **SB 377**, entitled:

An Act establishing a Home Equity Living Program; and making an appropriation.

Which was committed to the Committee on AGING AND YOUTH, February 24, 1983.

Senators FUMO, ROCKS, LYNCH and HANKINS presented to the Chair **SB 378**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for interest on arrearages on support orders.

Which was committed to the Committee on JUDICIARY, February 24, 1983.

Senators HELFRICK, SNYDER, O'PAKE, STAPLETON, WENGER, BRIGHTBILL, RHOADES, SHAFFER, ANDREZESKI and ROSS presented to the Chair **SB 379**, entitled:

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), entitled, as amended, "The Liquid Fuels Tax Act," removing bulk feed vehicles from the liquid fuels tax.

Which was committed to the Committee on FINANCE, February 24, 1983.

Senators HELFRICK, WENGER, STAPLETON, HOPPER, HESS, REIBMAN, CORMAN, RHOADES, BRIGHTBILL, SHAFFER, LINCOLN, ANDREZESKI and ROSS presented to the Chair **SB 380**, entitled:

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), entitled "Pennsylvania Farmland and Forest Land Assessment Act of 1974," regulating rollback taxes on agriculturally related commercial activity.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, February 24, 1983.

PERSONAL PRIVILEGE

Senator BELL. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, in case somebody wants to run a quorum call, there are now twenty-five Senators on the floor.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 5 (Pr. No. 315) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for recording of odometer readings; and refusing certificates of title.

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

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 62 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 94 (Pr. No. 322) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for the municipal primary.

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 CORMAN. Mr. President, the gentleman from Luzerne, Senator O'Connell, could not be here today. He is on personal leave because of a personal problem and he asked that I read into the record a statement for him, and I will read it at this time.

Mr. President, I am reporting from the Committee on State Government House Bill No. 94 as it was committed. I would like to enter into the record a brief statement, if I am in order.

Mr. President, I feel certain the majority of the Members of this Body agree with me that the passage of House Bill No. 94 is absolutely necessary and appropriate. However, I am not sure all of us realize the potential impact of this legislation. While we are merely suggesting changing the primary election in 1983, the consequences of that are not yet known to us. It is important for us to realize the potential problems we are causing the sixty-seven County Boards of Election. It is also, in part, our responsibility to address these problems.

As Chairman of the Committee on State Government, which considers Election Code bills, I have learned that the election process is an extremely large operation which should not be tampered with, without some examination. Usually, our committee will attempt to study in detail the potential problems associated with a measure like House Bill No. 94. I say usually for, in this instance, time dictates that we must act now and deliberate later.

My purpose, then, in these remarks is to place in the record acknowledgement of the potential problems and costs House Bill No. 94 will cause the county and local election boards. It is also my purpose to ask each County Board of Elections to monitor closely any costs that are associated solely with the change in the primary election date so that they may share this information with the Members of the General Assembly.

I, for one, promise to review this data and pledge my support for future legislation which will recognize the Commonwealth's role in producing these unanticipated expenditures at the county level.

Mr. President, again, that was on behalf of the gentleman from Luzerne, Senator O'Connell.

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—47

Andrezeski	Hess	Mellow	Singel
Bell	Holl	Moore	Snyder
Bodack	Hopper	Musto	Stapleton
Brightbill	Howard	O'Pake	Stauffer
Corman	Jubelirer	Pecora	Stout
Early	Kelley	Reibman	Street
Fisher	Kratzer	Rhoades	Tilghman
Fumo	Kusse	Rocks	Wenger

Greenleaf	Lincoln	Romanelli	Williams
Hager	Lloyd	Ross	Wilt
Hankins	Loeper	Scanlon	Zemprelli
Helfrick	Lynch	Shaffer	

NAYS—0

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

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

SB 128 (Pr. No. 405) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1976 (P. L. 903, No. 161), entitled "An act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled, 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges;....,' providing for the office of Consumer Advocate in the Department of Justice for a limited period;....," extending the time for the management of the office of Consumer Advocate; establishing different budget procedures; 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

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

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.

RECONSIDERATION OF SB 5

SB 5 (Pr. No. 315) — Senator ZEMPRELLI. Mr. President, in order to maintain a certain continuity with respect to Senate Bill No. 5, due to the absence of the gentleman from Westmoreland, Senator Kelley, who had previously indicated to members of my staff that Senate Bill No. 5 requires a fiscal note from the Committee on Appropriations, this bill was passed without first having had Senate Bill No. 5 committed

to the Committee on Appropriations for that purpose. For that reason, Mr. President, if I am in order, I would at this time ask that the vote by which Senate Bill No. 5, Printer's No. 315 was passed be reconsidered.

The PRESIDENT pro tempore. Senator Zemprelli moves that the vote by which Senate Bill No. 5 was finally passed be reconsidered.

The Senate will be at ease.

(The Senate was at ease.)

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, with respect to Senate Bill No. 5 and on the motion that is before the Senate at this time, there are two significant things that have happened. First of all, the bill went from first to second reading, contrary to what the practice and procedure has been here. The bill is one that requires a fiscal note. I think, in order to maintain the integrity of the process we are involved in, this bill should go only for procedural purposes. We see no problem with Senate Bill No. 5 and have no problem with enacting the bill. There may be some problem with the language as it is stated, but the purpose and intent is certainly completely in order and we are not trying to make a major item out of this matter except to maintain some degree of semblance of what is the integrity of the system. That is why I am asking for an affirmative vote with respect to the motion to reconsider.

The PRESIDENT pro tempore. Will the Majority and Minority Leaders please approach the desk?

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I withdraw my motion.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 299 (Pr. No. 321) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, permitting the use of suppressed voluntary admissions or confessions to impeach a defendant's credibility.

Considered the second time and agreed to,

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

**SENATE CONCURRENT RESOLUTION
NO. 15, CALLED UP**

Senator JUBELIRER, without objection, called up from page 2 of the Calendar, **Senate Concurrent Resolution No. 15**, entitled:

Urging the General Assembly to adopt the subsequent sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION
NO. 15, ADOPTED**

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 15.

On the question,

Will the Senate agree to the motion?

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

YEAS—47

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

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 the same to the House of Representatives for concurrence.

**SENATE CONCURRENT RESOLUTION
NO. 18, CALLED UP**

Senator JUBELIRER, without objection, called up from page 2 of the Calendar, **Senate Concurrent Resolution No. 18**, entitled:

Memorializing Congress to take certain actions relating to unemployment compensation.

On the question,

Will the Senate adopt the resolution?

**SENATE CONCURRENT RESOLUTION
NO. 18, ADOPTED**

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 18.

The motion was agreed to and the resolution was adopted.

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

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Monsignor Peter Lypyn by Senator Bell.

Congratulations of the Senate were extended to Colonel Carmine D. Terracciano by Senator Lloyd.

