

Legislative Journal

TUESDAY, MAY 3, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 31

SENATE

TUESDAY, May 3, 1983.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, the Reverend Mr. FRANKLIN L. HENLEY, Pastor of St. Paul's Baptist Church, Harrisburg, offered the following prayer:

Let us pray.

Lord, Our God, whose greatness no man can measure and whose face none can look upon and live for its exceeding majesty. We have come to Thee once more in the blessed fellowship of prayer, because we have heard and believe Thy gracious invitation.

Though in Thy mercy Thou hast made us a little lower than angels, we lay no claim upon Thee save that which Thou hast laid upon Thyself thine eternal love for us. We seek Thee with confidence because we know that Thou wilt find us. We wait upon Thee with hope, not because we deserve Thy benefactions, but because Thou art ready to do for us above all we can ask or think. Remove from our minds those things that would hinder us from thinking clearly as we give ourselves without reservations to the responsibility now upon us.

Bless our State and Nation in the future as You have blessed us in years that have passed, and make us grateful for all Your favors. Endow the Senate with Your divine presence as each of them assume their assignment given by You as a part of Your overall service to Your people. We ask these for the sake of the kingdom and in the Name of Jesus our Lord. 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 May 2, 1983.

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

LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, I request legislative leaves of absence for Senator Kusse and Senator Corman who are attending a Labor and Industry seminar at the University of Pennsylvania. I request temporary legislative leaves of absence for Senator Pecora and Senator Snyder. I renew my request for a legislative leave of absence for Senator Helfrick who, as Chairman of the Committee of Agriculture and Rural Affairs, is on a mission in China. I also request a legislative leave of absence for Senator Stauffer who is working on the Committee of Conference report on Senate Bill No. 1.

There is a meeting of the Committee on Finance taking place and I have asked that the Members come down for the first vote and then return to the meeting. If not, I would ask that all Members of the Committee on Finance be granted legislative leaves of absence as well.

The PRESIDENT pro tempore. Is there an objection to legislative leaves of absence for Senator Kusse, Senator Corman and Senator Helfrick, and temporary legislative leaves of absence for Senator Pecora, Senator Snyder and Senator Stauffer and a contingent temporary legislative leave of absence for both Republican and Democratic Members of the Committee on Finance?

Senator JUBELIRER. Mr. President, before the Chair asks that question, I note Senator Pecora has returned and I would request that the Chair cancel his legislative leave of absence.

The PRESIDENT pro tempore. It will be noted in the Journal. Is there an objection to the granting of leaves as stated otherwise? The Chair hears no objection and the leaves are granted.

Senator SCANLON. Mr. President, I am requesting temporary legislative leaves of absence for Senator Mellow, Senator Reibman, Senator Lincoln, Senator Zemprelli and Senator Stout.

The PRESIDENT pro tempore. The Chair hears no objection and the leaves are granted.

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:

Weekly Adjournment.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 128, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 128**, and has appointed Messrs. LAUGHLIN, LLOYD and PUNT as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

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:

May 3, 1983

HB 189 — Committee on Local Government.

HB 352 — Committee on Transportation.

**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:

May 3, 1983

Senator MUSTO presented to the Chair **SB 710**, entitled:

An Act authorizing the City of Wilkes-Barre in the County of Luzerne and Commonwealth of Pennsylvania to sell and convey certain Project 70 lands containing 2.13 acres more or less in said city and county belonging to the City of Wilkes-Barre subject to certain conditions.

Which was committed to the Committee on STATE GOVERNMENT, May 3, 1983.

Senators LLOYD, SINGEL and HELFRICK presented to the Chair **SB 711**, entitled:

An Act providing for a project to develop a program for the prevention of and treatment for compulsive gamblers; establishing a special fund and providing for its administration; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 3, 1983.

Senators LLOYD, SINGEL and HELFRICK presented to the Chair **SB 712**, entitled:

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), entitled "Race Horse Industry Reform Act," providing moneys for the support of the Compulsive Gambling Prevention and Treatment Program from unclaimed winning tickets.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 3, 1983.

Senators ROCKS, FUMO, LLOYD, WILLIAMS, HANKINS and LYNCH presented to the Chair **SB 713**, entitled:

An Act amending the act of May 12, 1943 (P. L. 259, No. 120), entitled, as reenacted and amended, "Foreign Casualty Insurance Premium Tax Allocation Law," requiring treasurers to make payments within 30 days of receipt of State moneys to the pension or retirement fund.

Which was committed to the Committee on BANKING AND INSURANCE, May 3, 1983.

Senators ROCKS, FUMO, LLOYD, WILLIAMS, HANKINS and LYNCH presented to the Chair **SB 714**, entitled:

An Act amending the act of June 28, 1895 (P. L. 408, No. 289), entitled, as amended, "Foreign Fire Insurance Premium Tax Allocation Law," requiring treasurers to make payments within 30 days of receipt of the State moneys for relief or pension associations.

Which was committed to the Committee on BANKING AND INSURANCE, May 3, 1983.

Senators RHOADES, LINCOLN, BELL, HELFRICK, O'PAKE, LOEPER, SHAFFER, MELLOW, SCANLON, LLOYD, LEWIS, MOORE, HANKINS, STOUT and SINGEL presented to the Chair **SB 715**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living increases to annuitants.

Which was committed to the Committee on FINANCE, May 3, 1983.

Senators ZEMPRELLI, WILT, WILLIAMS, CORMAN and REIBMAN presented to the Chair **SB 716**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "physician" to include osteopathic physicians; and further providing for penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 3, 1983.

Senators MOORE and SNYDER presented to the Chair **SB 717**, entitled:

An Act amending the act of May 16, 1921 (P. L. 579, No. 262), entitled, as reenacted and amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth, seventh and eighth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," deleting the judge of the court of common pleas in any judicial district having only one judge from the board of inspectors of the jail or county prison.

Which was committed to the Committee on JUDICIARY, May 3, 1983.

Senator HOLL presented to the Chair **SB 718**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the use of voter registration lists for juror selection.

Which was committed to the Committee on JUDICIARY, May 3, 1983.

Senator HOLL presented to the Chair **SB 719**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for schedules of controlled substances; adding an offense; and providing a penalty.

Which was committed to the Committee on JUDICIARY, May 3, 1983.

Senator BRIGHTBILL presented to the Chair **SB 720**, entitled:

An Act providing for adoption of a capital project to be financed from current revenues of the General Fund and making an appropriation.

Which was committed to the Committee on APPROPRIATIONS, May 3, 1983.

CALENDAR

SPECIAL ORDER OF BUSINESS

SENATE CONCURRENT RESOLUTION NO. 9, CALLED UP OUT OF ORDER

Senator JUBELIRER, without objection, called up out of order, from page 5 of the Calendar, as a Special Order of Business, **Senate Concurrent Resolution No. 9**, entitled:

Memorializing Congress and the Veterans' Administration to coordinate activities with veterans' assistance centers for veterans suffering effects of Agent Orange.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION NO. 9, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 9.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

Senator JUBELIRER. Mr. President, I note the presence of Senator Snyder on the floor and request his legislative leave of absence be cancelled.

The PRESIDENT pro tempore. The gentleman's remarks will be noted upon the record.

1983 PENNSYLVANIA JUNIOR MISS PRESENTED TO SENATE

Senator O'PAKE. Mr. President, each year the Pennsylvania Junior Miss finals are held in Berks County, Pennsylvania. This year we have an exceptionally talented and beautiful young lady who won that competition. I would like to present to the Chair and to my colleagues Miss Andrea Heiny who is the daughter of the late Paul and Nancy Heiny who resides in Danielsville, Northampton County. She is a senior at Northampton High School and she intends to go to Kutztown State College in September. I know, just as she charmed the minds and hearts of the people of Berks County, she will charm the minds and hearts of the people of the Pennsylvania Senate and I would like the Chair to ask Andrea to come forward at this time.

The PRESIDENT pro tempore. It appears that Andrea is anticipating my request. Andrea, the microphone and the Senate are yours.

(Applause.)

Miss HEINY. Good afternoon. My name is Andrea Heiny and I am the 1983 Pennsylvania Junior Miss. I would like to thank you for inviting me to Harrisburg today and giving me the opportunity to speak before you.

Junior Miss is a unique program because each year it searches for the ideal high school senior girls and rewards them with scholarships for the furtherance of their careers. Special emphasis is placed on the quality of their character, citizenship, high school activities, personal ambitions, ladylike poise and demeanor. Junior Miss pays direct attention to the positive accomplishments of young people.

Junior Miss, for me, has been an adventure in living and learning, filled with exciting experiences focused on new friends, new activities and challenges. But I think the most important reward of Junior Miss was put into words by Diane Sawyer, America's Junior Miss of 1963. She observed, and I quote, "Junior Miss forced me to do things I did not believe I could do. It gave me a sense of possibility and enlarged my capacity to dream."

Junior Miss has given me a sense of possibility. With the scholarship money I have won to date from the Northampton County and Pennsylvania Junior Miss programs which is a total of \$6,250, I have been able to make my lifetime dream of going to college a reality. I will be attending Kutztown University of Pennsylvania in the fall where I plan to major in special education.

But right now the most exciting thing in my life is the upcoming trip to Mobile, Alabama, from June 9th to June 21st, for the America's Junior Miss finals. I cannot wait to get caught up in the activities and to meet all the new friends from across the country.

I would like to thank you once again for inviting me and giving me the opportunity to speak. Thank you.

(Applause.)

The PRESIDENT pro tempore. Also here with Andrea is her chaperone, Mrs. Helen Mengel, from Reading, Berks County. Mrs. Mengel, welcome to you as well.

(Applause.)

The PRESIDENT pro tempore. I am sure that Andrea is probably the "largest" Junior Miss that Pennsylvania has ever had. We found it necessary to move her from the Clerk's microphone to the Chair's so she could at least be seen.

GUESTS OF SENATOR GUY M. KRATZER PRESENTED TO SENATE

Senator KRATZER. Mr. President, I would like to introduce some fellow Lehigh Countians to you and my other colleagues of the Pennsylvania Senate. They are from the Swain School in beautiful Salisbury Township, the Greater Allentown area, Lehigh County; juniors and seniors pursuing the study of political science. They are under the guidance and leadership of their teacher, Mr. Artinger. At this time I should like to present them to the Senate of Pennsylvania.

The PRESIDENT pro tempore. If Mr. Artinger and these juniors and seniors who are preparing to take our places in the Legislature of Pennsylvania will please rise, the Members of the Senate would like to extend you a very warm welcome.

(Applause.)

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate, first, for the purpose of a very brief meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room to the rear of the Senate Chamber and, secondly, Mr. President, for the purpose of a Republican caucus to begin at the conclusion of that meeting. I would suggest that the meeting of the Committee on Rules and Executive Nominations will be very brief and the Republican Members of the Senate can begin moving toward the first floor caucus room forthwith so that we can begin that caucus as quickly as possible. Mr. President, I would anticipate we would return to the floor at approximately 3:00 p.m.

Senator SCANLON. Mr. President, I am requesting that the Members of the Democratic caucus proceed immediately to the caucus room in the rear of the Chamber.

The PRESIDENT pro tempore. With the exception of the Members of the Committee on Rules and Executive Nominations, whom I am hoping he will ask to come to the Rules Committee room for a meeting of the Committee on Rules and Executive Nominations which will take place immediately, there will be a Republican and Democratic caucus, each of which will take place immediately following the meeting of the Committee on Rules and Executive Nominations. The Senate is now in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER TEMPORARILY

HB 5 (Pr. No. 985) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding definitions; further providing for expenditures for the motor vehicle emission inspection program; establishing a credit program for certain inspection fees; further providing for certain bonding requirements; restricting the operations of certain combinations; further providing for the length and width of certain vehicles; regulating certification of certain auto inspection mechanics; further providing for certain weight limitations; providing a penalty; and making a repeal.

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

On the question,

Shall the bill pass finally?

CHAIR REVERSES ITS DECISION

The PRESIDENT pro tempore. The Chair notes the bill is listed on final passage. The Chair reverses its decision by which the bill was moved from third consideration to final passage. The bill is now on third consideration.

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER. Mr. President, I request that House Bill No. 5, Printer's No. 985, go over in its order temporarily.

The PRESIDENT pro tempore. House Bill No. 5 will go over in its order temporarily.

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I have been trying to get the attention of the Chair to request a temporary legislative leave of absence on behalf of Senator Scanlon who is attending a meeting. I would want to reassert the temporary legislative leaves of absence, particularly the one for Senator Lincoln who is still tied up on legislative business.

The PRESIDENT pro tempore. I have requests for Senator Mellow, Senator Reibman, Senator Lincoln and Senator Stout. Senator Mellow is here, Senator Reibman is here. The Chair notes the presence of those two Senators. Is Senator Stout to continue on a temporary legislative leave of absence?

Senator ZEMPRELLI. Mr. President, I have not heard anything to the contrary.

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

We also have Senator Stauffer on a temporary legislative leave of absence. The Chair notes Senator Stauffer is here as

is Senator Kusse. Senator Corman is also present. Senator Helfrick is not here, so he will continue on legislative leave of absence. We have Senator Helfrick on legislative leave of absence, as well as Senator Scanlon, Senator Lincoln and Senator Stout on temporary legislative leaves of absence.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AMENDED AND LAID ON THE TABLE

SB 298 (Pr. No. 807) — The Senate proceeded to consideration of the bill, entitled:

An Act to require inspections and insurance in connection with amusement rides and attractions; giving powers to owners, lessees and operators; and providing for injunctions and penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 2, page 1, line 18, by striking out "and" and inserting a comma

Amend Sec. 2, page 1, line 18, by inserting after "halls": , retail stores and shopping centers

On the question,

Will the Senate agree to the amendment?

Senator LLOYD. Mr. President, I desire to interrogate the gentleman from Perry, Senator Moore.

The PRESIDENT pro tempore. Will the gentleman from Perry, Senator Moore, permit himself to be interrogated?

Senator MOORE. I will, Mr. President.

Senator LLOYD. Mr. President, would the gentleman outline the essential elements of this amendment please?

Senator MOORE. Mr. President, the purpose of this amendment to Senate Bill No. 298 is to change Section 2 which defines amusement attractions to eliminate or exclude certain areas from the provisions of the bill, including inspection of certain areas. The purpose of my amendment is to add to that definition retail stores and shopping centers where we have rocking horses and other small devices for the use of children while their parents are shopping. My amendment would provide that those devices would not have to be inspected for insurance purposes.

Senator LLOYD. Mr. President, the area of concern I may have here, and possibly the gentleman would be able to clarify the issue, is that I notice in many shopping centers throughout the Commonwealth there is a common practice in terms of promotion to bring in ferris wheels and other kinds of carnival type equipment for promotional aspect for that particular shopping center. The area of concern I have here is this amendment may possibly, and I am willing to be corrected if that is the case, exclude those kinds of promotions from coming under the purview of the bill. Is that the case, Mr. President?

Senator MOORE. Mr. President, the gentleman is absolutely correct. My amendment would not correct the situation the gentleman refers to. My amendment would be the first step in correcting that. I would suggest, if the gentleman is agreeable, that my amendment be inserted and the bill be tabled. When it comes off the table, the gentleman can correct the amendment by adding that the devices he speaks of be subject to inspection.

Senator LLOYD. Mr. President, that seems like a reasonable approach to the problem. Would it be safe to assume that the gentleman would support such an amendment if I were to offer it when it comes off the table?

Senator MOORE. That is correct, Mr. President.

Senator LLOYD. Mr. President, in view of that I would support this amendment and state for the record that, upon removal from the table, I will be offering another amendment to the bill to clarify the language to protect the public in the instances we have outlined here.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL LAID ON THE TABLE

SB 390 (Pr. No. 799) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing provisions relating to theft of services.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 421 (Pr. No. 755) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," eliminating cross-filing by candidates for the offices of judge, justice of the peace and school directors.

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 ZEMPRELLI. Mr. President, I have a personal attitude about this bill. However, I do want to remind the Members of the caucus that this bill was actively discussed in the caucus as to whether or not the Members personally feel that cross-filing should be eliminated. The purpose of Senate Bill No. 421 is, in fact, to eliminate cross-filing. I suspect there is a mixture of opinion depending upon the geographic location and the election habits of the people that we have

from the districts we represent. In fact, what I am saying is I am for the bill. Conceptually, what I have said is that I feel the bill does precisely what I would have it do to make it partisan and, as I am suggesting, I want to make it partisan because I think there is something wrong with the system that allows for cross-filing and then designates a particular candidate as representing one of the parties going into the fall election.

The PRESIDENT pro tempore. Will the gentleman please approach the desk? The Senate will be at ease.

(The Senate was at ease.)

Senator BELL. Mr. President, I am going to vote against this bill because when this idea of cross-filing for judiciary, district justice and school directors came up it was a good government concept. I do not think it has worked the way we had intended it to work. I think there can be some changes to make it more workable, but to abolish it is like throwing the baby out with the wash water.

Senator FUMO. Mr. President, I intend to vote for this bill. My only concern was whether or not anyone called Bill Meehan about this because I do not know how he will ever elect a judge if he does not have cross-filing in Philadelphia.

Senator ROCKS. Mr. President, if I may quickly respond to the gentleman from Philadelphia, Senator Fumo, I just wanted the gentleman to know and the record to show that I did not call Bill Meehan.

And the question recurring,
Shall the bill pass finally?

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

The PRESIDENT pro tempore. Please change the President pro tempore's vote from "no" to "aye."

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

YEAS—33

Andrezeski	Holl	Mellow	Shumaker
Bodack	Hopper	O'Connell	Singel
Brightbill	Jubelirer	O'Pake	Snyder
Corman	Kelley	Rhoades	Stauffer
Fisher	Kratzer	Rocks	Tilghman
Fumo	Kusse	Ross	Wenger
Greenleaf	Lincoln	Scanlon	Wilt
Hager	Lynch	Shaffer	Zemprelli
Helfrick			

NAYS—16

Bell	Howard	Moore	Stapleton
Early	Lewis	Musto	Stout
Hankins	Lloyd	Pecora	Street
Hess	Loeper	Reibman	Williams

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 520 (Pr. No. 581) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290) referred to as the "Pennsylvania Higher Education Assistance Agency Act," creating an Educational Loan Assistance Fund within the State Treasury for the deposit of funds received

by the agency; and establishing debt service reserve accounts within the Educational Loan Assistance Fund.

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

NAYS—1

Street

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 522 (Pr. No. 572) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled, as amended, "Child Protective Services Law," further defining "family or household members."

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—49

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

BILL OVER IN ORDER

SB 562 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

HB 5 CALLED UP

HB 5 (Pr. No. 985) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Final Passage Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

HB 5 (Pr. No. 985) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding definitions; further providing for expenditures for the motor vehicle emission inspection program; establishing a credit program for certain inspection fees; further providing for certain bonding requirements; restricting the operations of certain combinations; further providing for the length and width of certain vehicles; regulating certification of certain auto inspection mechanics; further providing for certain weight limitations; providing a penalty; and making a repeal.

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, lines 2 through 5, by striking out "FURTHER PROVIDING" in line 2, all of lines 3 and 4, and "FEES;" in line 5

Amend Title, page 1, line 9, by inserting after "AND": and

Amend Title, page 1, line 10, by removing the semicolon after "LIMITATIONS" and inserting a period

Amend Title, page 1, line 10, by striking out "PROVIDING A PENALTY; AND MAKING A REPEAL."

Amend Bill, page 3, lines 1 through 30; page 4, lines 1 through 30; page 5, lines 1 through 30; page 6, lines 1 through 28, by striking out all of said lines on said pages

Amend Sec. 3, page 6, line 29, by striking out "3" and inserting: 2

Amend Sec. 4, page 7, line 18, by striking out "4" and inserting: 3

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

Amend Sec. 6, page 10, line 28, by striking out "6" and inserting: 5

Amend Sec. 7, page 11, line 30, by striking out "7" and inserting: 6

Amend Sec. 8, page 13, line 15, by striking out "8" and inserting: 7

Amend Sec. 8, page 13, line 15, by striking out "3, 4, 5, 6 AND 7" and inserting: 3, 4, 5 and 6 insofar as it relates to section 4923

Amend Sec. 9, page 13, lines 24 through 30; page 14, lines 1 through 5, by striking out all of said lines on said pages

Amend Sec. 10, page 14, line 6, by striking out "10" and inserting: 8

Amend Bill, page 14, lines 12 through 22, by striking out all of said lines

Amend Sec. 13, page 14, line 23, by striking out "13" and inserting: 9

Amend Sec. 13, page 14, line 24, by inserting a period after "IMMEDIATELY" where it appears the last time

Amend Sec. 13, page 14, lines 24 through 30; page 15, lines 1 through 4, by striking out "EXCEPT THAT THE PROVISIONS OF SECTION" in line 24, all of lines 25 through 30, page 14 and all of lines 1 through 4, page 15

On the question,

Will the Senate agree to the amendment?

Senator JUBELIRER. Mr. President, I believe the amendment is agreed to. For the benefit of the gentleman from Westmoreland, Senator Kelley, and others, what this amendment does is return House Bill No. 5 to its original intent prior to being amended with the auto emission bill contained therein. We were unable to revert because of other amendments that were placed in the bill by, I believe, the gentleman from Delaware, Senator Bell, and they were considered important to the bill. So that is the gist of the amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 61 and **SB 98** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL REREFERRED

SB 177 (Pr. No. 187) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the establishment of individual housing accounts by qualified institutions; providing a limited exclusion from State taxation for deposits of principal and interest earned on individual housing accounts; and imposing additional duties on the Department of Revenue.

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

BILL OVER IN ORDER

SB 241 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 280 (Pr. No. 299) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing penalties for the damage to or theft of grave markers and flag holders.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 311 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL LAID ON THE TABLE

SB 408 (Pr. No. 446) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," reducing

the waiting period prior to offering certain investments; exempting certain registered promoters; limiting the forfeit of certain mutual fund fees; reducing the time period for certain registration statements to be on file with the commission; further providing for the effectiveness of certain registration statements and amendments thereto; and eliminating certain withdrawals for mutual funds.

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

BILLS OVER IN ORDER

SB 456, 496, 500, 501, 502, 503, 504, 505 and 506 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 527 (Pr. No. 796) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, changing provisions relating to the State Veterans' Commission.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 658 and 660 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

Which was agreed to.

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator LOEPER called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

April 28, 1983.

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

In accordance with the power and authority vested in me as the Governor of the Commonwealth, I do hereby recall my nomination dated January 31, 1983 for the appointment of John Joseph Poserina, Jr., Esquire, 4600 Convent Lane, Philadelphia 19114, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of the First Judicial District of Pennsylvania, composed of the County of Philadelphia, to serve until the first Monday of January, 1984, vice The Honorable James T. McDermott, elected to the Supreme Court.

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

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

April 28, 1983.

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

In accordance with the power and authority vested in me as the Governor of the Commonwealth, I do hereby recall my nomination dated January 31, 1983 for the appointment of Michael Rankin Stiles, Esquire, 3436 Warden Drive, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of the First Judicial District of Pennsylvania, composed of the County of Philadelphia, to serve until the first Monday of January, 1984, vice The Honorable Gregory G. Lagakos, deceased.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I request a roll call vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—47

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

NAYS—2

Lewis Lloyd

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

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

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator LOEPER called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS
ERIE COUNTY

April 27, 1983.

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

In accordance with the power and authority vested in me as the Governor of the Commonwealth, I do hereby recall my nomination dated April 18, 1983 for the appointment of Dana S. Jones, Esquire, 303 Pittsburgh Avenue, Erie 16505, Erie County, Forty-ninth Senatorial District, as Judge of the Court of Common Pleas of the Sixth Judicial District, composed of the County of Erie, to serve until the first Monday of January, 1984, vice Lindley R. McClelland, resigned.

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

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICAL EXAMINERS

April 27, 1983.

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

In accordance with the power and authority vested in me as the Governor of the Commonwealth, I do hereby recall my nomination dated April 11, 1983 for the appointment of John M. Ferretti, II, D.O., 237 St. Marys Drive, Erie 16509, Erie County, Forty-ninth Senatorial District, as a member of the State Board of Osteopathic Medical Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice Ben L. Agresti, D.O., Erie, whose term expired.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

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

February 10, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dr. James L. Larson, 82 Hastings Place, Devon 19333, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1986 and until his successor is appointed and qualified, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

April 11, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Larry Ridenour, Dutilh Hollow Road, Wexford 15090, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve until July 12, 1985, and until his successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF
OCCUPATIONAL THERAPY EDUCATION
AND LICENSURE

April 11, 1983.

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 Gwenda J. Ruffin (Public Member), 5482 Morse Street, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, pursuant to Act 140, approved June 15, 1982, to serve for a term of three years, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE ALLEGHENY COUNTY
BOARD OF ASSISTANCE

March 14, 1983.

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 Shirley Lavine (Democrat), 128 North Craig, Pittsburgh 15213, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1985, and until her successor is duly appointed and qualified, to fill a new position.

DICK THORNBURGH.

MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE

April 15, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert A. Judge (Republican), 409 Stratford Road, Glenolden 19036, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 1985, and until his successor is duly appointed and qualified, vice Julia A. Rich, Media, resigned.

DICK THORNBURGH.

MEMBER OF THE PERRY COUNTY
BOARD OF ASSISTANCE

April 18, 1983.

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 Linda Speece Sheaffer (Republican), Box 232, Walnut Street, Millerstown 17062, Perry County, Thirty-third Senatorial District, for appointment as a member of the Perry County Board of Assistance, to serve until December 31, 1984, and until her successor is duly appointed and qualified, vice Shirley Leedy, Duncannon, resigned.

DICK THORNBURGH.

DISTRICT JUSTICE

April 11, 1983.

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 Jesse J. Cramer, 108 Nagy Avenue, Belle Vernon 15012, Fayette County, Thirty-second Senatorial District, for appointment as District Justice in and for the County of Fayette, Magisterial District 03-04, to serve until the first Monday of January, 1984, vice Andrew E. Turick, retired.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

REGISTER OF WILLS AND RECORDER OF
DEEDS IN AND FOR THE COUNTY OF PERRY

April 11, 1983.

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 Patricia Ann Mumper, R. D. 1, Blain 17006, Perry County, Thirty-third Senatorial District, for appointment as Register of Wills and Recorder of Deeds in and for the County of Perry, to serve until the first Monday of January, 1984, vice Max Cooper, deceased.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Perry, Senator Moore.

The PRESIDENT pro tempore. Will the gentleman from Perry, Senator Moore, permit himself to be interrogated?

Senator MOORE. I will, Mr. President.

Senator MELLOW. Mr. President, could the gentleman tell us if, in fact, Patricia Ann Mumper, Register of Wills and Recorder of Deeds of Perry County, is a candidate for election in the up and coming May Primary?

Senator MOORE. Mr. President, Mrs. Mumper is not a candidate for election.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

Senator LOEPER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor

of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA
LABOR RELATIONS BOARD**

April 18, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John Hope Anderson, New Park 17352, York County, Twenty-eighth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1987, and until his successor shall have been appointed and qualified, vice Kenneth F. Kahn, Esq., Maple Glen, resigned.

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA
LABOR RELATIONS BOARD**

April 18, 1983.

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 L. Dennis Martire, 917 Parkview, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 1985, and until his successor shall have been appointed and qualified, vice Joseph J. Licastro, Johnstown, whose term expired.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

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

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

REPORTS FROM COMMITTEES

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bills:

SB 42 (Pr. No. 829) (Amended)

An Act regulating the altering of certain exteriors of buildings in historical areas; and providing a penalty.

SB 208 (Pr. No. 830) (Amended)

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), entitled "Pennsylvania Industrial Development Authority Act," further providing for loans.

Senator HOWARD, from the Committee on Finance, reported the following bills:

SB 88 (Pr. No. 91)

An Act amending the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), entitled, as amended, "Sterling Act," further providing for the types and rates of authorized taxes; and making a repeal.

HB 219 (Pr. No. 244)

An Act amending the act of August 24, 1961 (P. L. 1135, No. 508), entitled "An act imposing a tax for general public school purposes in school districts of the first class A on salaries, wages, commissions and other compensation earned by residents thereof, and on the net profits earned from businesses, professions or other activities conducted by residents thereof; ***; conferring and imposing powers and duties on boards of public education and school treasurers in such districts; providing for the administration of the act and imposing penalties for violation thereof," providing for the filing of annual returns.

BILLS REREFERRED

Senator SHAFFER, from the Committee on Community and Economic Development, returned to the Senate **SB 478**, which was rereferred to the Committee on Local Government.

Senator HOWARD, from the Committee on Finance, returned to the Senate **SB 405** and **407**, which were rereferred to the Committee on Law and Justice.

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 the Bethel Park Varsity Hockey Team by Senator Fisher.

Congratulations of the Senate were extended to the Borough of Catawissa by Senator Helfrick.

Congratulations of the Senate were extended to District Justice Domenic A. Caminiti by Senator Jubelirer.

Congratulations of the Senate were extended to Union Lodge 324 of Free and Accepted Masons by Senator Moore.

Congratulations of the Senate were extended to the Ukrainian American Social Club by Senator O'Pake.

Congratulations of the Senate were extended to James Gaffney by Senator Reibman.

Congratulations of the Senate were extended to Saint Adalbert Church of Pittsburgh by Senator Romanelli.

BILLS ON FIRST CONSIDERATION

Senator REIBMAN. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 42, 88, 208 and HB 219.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator MOORE. Mr. President, for the record and for the purpose of clarification, I would like to inform my colleagues that the only purpose for tabling Senate Bill No. 298, Printer's No. 807, was to eliminate the necessity for referring the bill back to committee, keeping it available on the table so

it can be pulled off and acted upon at the soonest possible moment.

The PRESIDENT pro tempore. The Chair thanks the gentleman for the shortest petition and remonstrance made at this Session.

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate to the call of the Chair. The reason for my request is that it is our intent to run the report of the Committee of Conference on Senate Bill No. 1, which is currently being finished by the Legislative Reference Bureau. I am advised by legal counsel that we expect to have it down within the next half-hour and will be able to run the bill at that time. For that reason, Mr. President, I request a recess of the Senate to the call of the Chair.

Senator ZEMPRELLI. Mr. President, I am already being asked a myriad of questions by Members of my caucus as to going to dinner, not going to dinner and when we might expect to be called back. I think that is a reasonable request because there are many inconveniences if some Members remain here and others go to dinner, then we are not going to have any organization at all about the matter. I do not mean to be difficult but to suggest that whatever time, even though it be a safe time that would allow all of us to come back at the same time.

The PRESIDENT pro tempore. The gentleman indicated, Senator, that they anticipate that the bill would be prepared for a vote within the next half-hour.

Senator ZEMPRELLI. Mr. President, I understand from one of the conferees that the bill has not even been signed by the Committee of Conference. Therefore, at least from what I understand about the process, that committee would have to meet and sign the report of the Committee of Conference and that involves six people. Does that mean that the bill will be signed within the half-hour or be prepared within the half-hour? I am only making a suggestion that if somebody were to say that we would recess until 6:30 p.m., or 7:00 p.m., then we would all be here at the same time.

The PRESIDENT pro tempore. Will Senator Jubelirer, Senator Zempirelli and counsel for the Majority and Minority please approach the desk?

The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT pro tempore. The Senate is now recessed until 6:45 p.m., or, perhaps, if things go better than usual, sooner. All Members of the Senate should please stay alert for a call which should come before 6:45 p.m. The Senate is now in recess. The Chair reverses its ruling and it is not in recess.

Senator ZEMPRELLI. Mr. President, I do not wish to admonish the Chair. I did, however, indicate that it is necessary for us to have a caucus at this time.

The PRESIDENT pro tempore. The Chair corrects itself. The gentleman did suggest that it might be necessary for the Democrats to get their heads together and caucus and so for the purpose of a Democratic caucus, the Senate is now in recess until 6:45 p.m., or sooner.

AFTER RECESS

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

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator STAUFFER submitted the Report of Committee of Conference on SB 1, which was placed on the Calendar.

SUPPLEMENTAL CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

SB 1 (Pr. No. 833) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for expenditures for the motor vehicle emission inspection program; establishing a credit program for certain inspection fees; further providing for certain bonding requirements; providing a penalty; establishing a new program for monitoring vehicle emission and vehicle safety inspections; and making a repeal.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 1.

On the question,

Will the Senate agree to the motion?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Chester, Senator Stauffer.

The PRESIDENT pro tempore. Will the gentleman from Chester, Senator Stauffer, permit himself to be interrogated?

Senator STAUFFER. I will, Mr. President.

Senator KELLEY. Mr. President, I notice on page 6 beginning on line 21, Section 2, the bill goes on to recite a number of fifth, sixth, seventh and eighth class counties which appear to be an exemption from any emission program. At the same time, bearing that in mind, and directing the Members to the initial language on page 1, subsection (b), beginning on line 20, there seems to be a conflict, and I wonder if the gentleman could explain that. Let me express what I believe to be the conflict. Page 1, subsection (b), beginning on line 20, seems to indicate that anywhere in this Commonwealth, if the Secretary of Transportation of the Commonwealth would set forth the Federal law which would embrace the statutes and regulations under the air quality aspects that would be required to be in compliance with Federal law, then a program may be initiated there. That seems to be clearly what subsection (b), page 1 says. Does the gentleman agree with that?

Senator STAUFFER. Yes, Mr. President.

Senator KELLEY. Mr. President, could the gentleman please explain and construct for me the language beginning on page 6 that I referred to earlier where it appears to attempt to exempt fifth, sixth, seventh and eighth class counties down through the line? I think that is on line 30 somewhere.

Senator STAUFFER. Mr. President, Federal authorities have already worked out the elimination of certain areas from the program and that language would be in accordance with the areas that have already been worked out and approved by Federal authorities for exclusion from the program. What we are really doing is reciting in the bill something that has already been agreed to and worked out with Federal authorities.

Senator KELLEY. Mr. President, the gentleman is saying that is the current judgment of the so-called Federal authorities. Whether it be in any expiration of time after this is enacted, a month, a year, if it is subsequently determined by the Federal authorities that in a program for the correction of the air quality in the Commonwealth of Pennsylvania there should be inspection programs in fifth, sixth, seventh or eighth class counties, then am I correct in saying that program would be initiated under the authority given on page 1, subsection (b)?

Senator STAUFFER. No, Mr. President. It would be my judgment that it would take an act of assembly amending our statute to bring any counties in that classification under an auto emission inspection program.

Senator KELLEY. Mr. President, am I correct then in saying that if, subsequently, the EPA or the administrator under the Federal act would declare an inspection program necessary to be in compliance with the Federal act, that an inspection program should take place in a fifth, sixth, seventh or eighth class county and, if the gentleman is correct, it would take a statute. Once the Federal administrator would make that determination, then the Commonwealth of Pennsylvania would be in default of the Federal act and we would be in the same position as we are currently in as being in default, and funds could be withheld and the General Assembly would have to act. Is that correct?

Senator STAUFFER. Mr. President, I do not believe that would be correct. I believe Federal authorities would first make known to the Commonwealth the basis on which they were asking that we implement a program in counties of those classifications and give us the opportunity to come into compliance. I believe we would only be faced with the same situation that we are currently facing if we were clearly in defiance and were not able to work out the differences we might have with the Federal government.

Senator KELLEY. Mr. President, I appreciate the suggestion and hoped for diplomacy with the way the gentleman answered the question and hoped that it would emanate from the Federal government. The question is, and I believe he already answered it, that we would have to pass an amendatory act to Senate Bill No. 1 if, indeed, the Federal government would want to implement a program and the program should be implemented in a Commonwealth county of the fifth through eighth class. Then the gentleman's conclusion is that the broad language on subsection (b) on page 1 of the act beginning on line 20 is subject to and controlled by the subsequent language that appears on page 6 as I referred to earlier.

Senator STAUFFER. Mr. President, that is correct. I would further point out to the gentleman that if we got into a

worse case scenario wherein we became in defiance and did not accommodate the demands of the Federal government, if such a situation should develop, the worst thing that could happen, in my judgment, would be the withholding of funds for just the area that was involved in our failure to comply. But, in any event, we would have an ample opportunity to first comply and I agree totally that the language that the gentleman refers to would be controlling over that on the first page of the bill.

Senator KELLEY. Mr. President, I have one further question for the gentleman. Could the gentleman explain why this language of fifth through eighth class counties was inserted? It seems to me that if, indeed, we could avoid down the road if the Federal officials, the administrator of the program, determine it should take place in such a county, that it automatically be our goal to be in compliance would be achieved by the Secretary of the Commonwealth, the Pennsylvania Department of Transportation, determining as in the first subsection (b) on page 1.

Senator STAUFFER. Mr. President, it is very clearly evident that the Federal program is aimed at urban areas and this amendment was designed to make it clear that rural areas were excluded. When we talk about counties of the fifth to eighth class, we are talking about the more rural counties of the Commonwealth. In order to avoid any confusion as to the requirement that counties like that would be brought into the program, we thought it was fair to spell out that they would not be, that this is an urban program and not a rural program.

Senator KELLEY. Mr. President, the gentleman is aware there are some counties of the fifth class that are in federally designated urbanized areas of the Commonwealth, is he not?

Senator STAUFFER. Mr. President, I am aware of that, but again we are talking about a Federal program dealing with air quality and it was clearly determined the only areas that would be involved in an air quality program would be those which would be heavily populated and in what are known as major urban areas.

Senator KELLEY. I thank the gentleman, Mr. President, for his responses to my questions.

Now I would like to address the merits of the bill and I think having spoken on previous occasions as to my opinion of the bill and all aspects of the Federal act, the Congress, the Federal judges, I do not believe this report of the Committee of Conference on Senate Bill No. 1 is any less acceptable or any more acceptable than it has been in past stages. But, because of a sensitivity toward charity to my colleagues, Mr. President, I do not think it is necessary for me to read verbatim all the books and materials I have in front of me, probably a short synopsis paraphrasing each and every section thereof would be helpful. But, again being aware that the trend here is most Members of this Body have already made up their minds on this matter and the hour is rather late, I think in a sense of charity, knowing if I did espouse at any great length it would not change any votes anyway, I urge, on the merits, a negative vote.

The PRESIDENT pro tempore. The Chair thanks the gentleman, but challenges his assertion. It may very well be he might change some votes that he already has.

SENATOR ZEMPRELLI TO VOTE FOR
SENATOR O'PAKE

Senator ZEMPRELLI. Mr. President, I request a legislative leave of absence on behalf of Senator O'Pake who had to leave to address a meeting this evening on legislative matters.

The PRESIDENT pro tempore. The Chair hears no objection and the leave is granted.

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

Senator O'CONNELL. Mr. President, I rise in opposition to the report of the Committee of Conference for a number of reasons. I would like to have my colleagues bear with me for just a moment if they will and give me just a little latitude.

Basically, I think the issue here, as I finally see it, is the maintenance program of PennDOT and money. A year or two ago we adopted a formula and it weighted against the eastern part of Pennsylvania, particularly rural Pennsylvania. That has created a lot of problems for the Legislators in the eastern part of the State. It is absolutely and totally unfair. Just recently, PennDOT has dispersed the liquid fuel tax monies to all the municipalities. Every one of those municipalities were substantially reduced 9.5 percent to 10 percent. I can understand that and there is justification for it because the revenues in the Department of Transportation are far short of their budget projections. So that is understandable.

Recently I discussed the county maintenance budgets with the District Engineer in District 4. Originally they had projected no shortfall in the budget, but perhaps no gain. There would not have been any increase. Now it is my understanding the particular counties in my Senatorial district will be reduced by 15 percent to 20 percent. In this report of the Committee of Conference, I hear various figures and I do not have anything on which to make an actual determination. I doubt it will go to the Committee on Appropriations as it should because it will be a cost to the Commonwealth, and we will probably circumvent that, but the estimates in this particular piece of legislation and for the implementation is approximately \$12 million. There is another provision in the bill that will cost \$1 million or \$1.5 million even though people say we have that mechanism in place. I am referring to the fraud squad that this bill suggests. There are people who say that is in place and that the Consumer Protection Agency has part of that and PennDOT has part of that, but, nevertheless, it will be an additional cost. What will happen to this \$12 million? I know it is suggested it will not be immediately implemented, that it is fifteen or sixteen months down the road, but as the facts are again we will come out on the short end of the stick. Some of the projections I have heard, and I cannot with any authority predict they are true, if you applied a formula across the State in a reduction of monies allocated, Allegheny County would have a \$2.5 million loss; Westmoreland County would have a \$.4 million loss; Washington County about \$.4 million; Lackawanna County would have a \$240,000 loss; and Luzerne County has an \$80,000 loss. I liken this to a situation that exists; and \$80,000 does not seem to be a lot of money. But because we have, one, been mistreated in the formula;

two, because they have not lived up to their budget predictions or projections for the next year and we are now in a 15 percent or 20 percent deficit, this additional \$80,000 is critical. In the human body there are six or seven pints of blood, you can give all but the last one. What this is really doing, in effect, in the areas I represent, is taking the last ounce of blood. In Susquehanna County the budget is reduced by \$1.2 million. This formula is going to compound that particular problem.

Mr. President, aside from all of that, I think this is precedent setting. I absolutely disagree with it in principle. When we have to give this type of a concession to have people comply with the law in Pennsylvania, I think it is a new day. I think we will be called upon many times in this Legislature to do likewise when there really is, in fact, some penalty for complying with the law. I have a difficult time condoning that.

Mr. President, having said all of that, the bottom line here is, in the not too distant future we are going to be approached to put our votes on the line for some additional taxes to support the Department of Transportation. I am going to tell the Members there ought to be another way of funding this proposition and when that time comes and I am called upon to put my vote on the line for taxes, I am going to tell them exactly what I think and where to go.

Senator BELL. Mr. President, I am going to be very, very brief. I heard my colleague, the gentleman from Luzerne, Senator O'Connell, remark about the losses to his area. I have been here twenty-nine years. My counties paid one-twentieth of the road taxes. Consistently, we get about one one-hundredth of a return. We have been losing money for twenty-nine years.

I am going to be very practical. I do not know what \$500 million is but I know what \$500 is. In plain English what this bill says is that we, as Senators, by investing \$12 can get a promised positive return of \$500. Anybody who will not put \$12 on the line to take home \$500, well, I will not make any further comments.

Senator RHOADES. Mr. President, I rise in opposition to the report of the Committee of Conference. Admittedly, I have been under the impression that the \$5 refund which we would get for the inspection would come out of the General Fund because, in essence, the bottom line is clean air which affects all the people, and not only those who own and operate vehicles. However, as I see it, it comes out of the Motor Vehicle License Fund.

My objection here is that the \$15 million, or parts thereof, will come out of the maintenance and operations of our individual counties. Together with that \$40 million we will be adding to that in terms of matching funds, we are talking about \$55 million. I do not mind the fact that in my own home county right now, when I contacted them this afternoon, we had a budget of \$8.2 million. We are now down to \$6.2 million, and that is after I have had staff complements reduced, after the roads which have been in disrepair have stayed in disrepair, after the amount of service irregardless of the manager and the efforts made by the employees it still has not been up to par after major projects which we had already

announced, are now being curtailed. I do not mind investing \$12 or \$15 for a \$500 return, but when I put \$12 out and I am not even getting \$12 back, I have great opposition to this. I refuse to be treated like a stepchild and get second-hand consideration. That is why I will vote "no" on this issue.

Senator SINGEL. Mr. President, when the debate on the whole auto emission inspection debacle first began, I was troubled by the murkiness of the entire issue. How much money was actually jeopardized by our refusal to abide by Judge Bechtle's order? Could the Clean Air Act be amended in some fashion to lift this onerous burden? Could some concession be made to the motorists who are going to be facing stiff repair costs?

Throughout this debate I have remained steadfast in my opposition to a program that I consider to be unfair, impossible to administer and ineffective in reducing emissions, not to mention costly to many in the Commonwealth who can least afford it.

Recently, however, the auto emission picture has cleared up significantly for me and it should cause all of us to reassess the situation. It is now clear, for example, that we can expect no help from either Judge Bechtle or from the congressional delegation in easing the provisions of the Federal Clean Air Act. We are now into the construction season and running dangerously close to the point where it will be impossible for PennDOT to put people to work even if the money becomes available.

On a positive note, however, the delay in enacting the proposal has allowed what I consider to be a very significant compromise. The caps provided in this legislation assure that no motorist will pay more than \$50 for repairs. Also, the maximum charge for the inspection itself is a reasonable \$5 that can be deducted from the annual registration fee. Finally, I think the compromise that was reached assuring the \$19 break for low income motorists is very significant. I think these are small but important victories for the motoring public.

Numbers have been bandied about since January about this program and the number I have heard very often is that we are talking about 44,000 jobs. Maybe that is true and maybe, just maybe, some of those jobs will be had at Bethlehem Steel Corporation, U.S. Steel Corporation and in some of the factories in Cambria County, where they have the highest rate of unemployment in the country.

Given all of these considerations, Mr. President, I must now in good conscience support this compromise effort. For me push has come to shove, and I want the record to show that given the choice between some inconvenience for motorists and thousands of jobs, I voted for jobs. I ask for an affirmative vote on this compromise.

Senator O'CONNELL. Mr. President, I would just like to advise my colleague in the Senate, the gentleman from Cambria, Senator Singel, that originally I was violently opposed to the emission control bill in any form. I did concede, changed my mind and voted for the emission bill because it would provide those jobs that the gentleman spoke of, and that it would have recovered the Federal monies. I did

not want the Commonwealth of Pennsylvania to suffer those penalties so I did, in fact, change my mind because of those two issues.

Finally, I think the gentleman goes a little beyond what is reasonable to accomplish that. As far as I am concerned, to be very blunt about it, if there was not the unfortunate affect of a heck of a lot of vested people, this bill would not be here tonight. That is precisely what has happened because the pressure from those people involved has been substantial. On the other hand, I might, as the gentleman from Delaware, Senator Bell, has indicated, be willing to vote for it if I had a \$300 million project in my area and if I was going to benefit by the projects and if, in fact, I was going to benefit by the employment and if, in fact, I was sharing a fair portion of the maintenance monies. None of those factors are there in my particular circumstance so I feel obligated on behalf of my constituents to vote in opposition to it and to make sure they know and understand clearly why I have taken this position.

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—31

Bell	Hess	Loeper	Snyder
Brightbill	Holl	Lynch	Stauffer
Corman	Hopper	Moore	Street
Fisher	Howard	O'Pake	Tilghman
Fumo	Jubelirer	Reibman	Wenger
Hager	Kusse	Rocks	Williams
Hankins	Lewis	Shumaker	Wilt
Helfrick	Lloyd	Singel	

NAYS—18

Andrezeski	Kratzer	Pecora	Shaffer
Bodack	Lincoln	Rhoades	Stapleton
Early	Mellow	Ross	Stout
Greenleaf	Musto	Scanlon	Zemprelli
Kelley	O'Connell		

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.

BILLS IN PLACE

Senator EARLY presented to the Chair two bills.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 4, 1983

10:00 A.M.	GAME AND FISHERIES	Room 459,
	(to consider Senate	4th Floor
	Bills No. 152, 279,	Conference Rm.,
	473 and 666)	North Wing

THURSDAY, MAY 5, 1983

7:30 P.M. LAW AND JUSTICE McShea
(Public Hearing on Auditorium,
problem bars in the Montgomery
City of Norristown) Hospital,
Norristown

MONDAY, MAY 9, 1983

11:00 A.M. LABOR AND INDUSTRY Senate Majority
(for a briefing on the Caucus Room
Governor's Unemployment
Compensation Proposal)

11:00 A.M. LAW AND JUSTICE Room 461,
(to hear testimony from 4th Floor
former Liquor Control Conference Rm.,
Board Enforcement Agent, North Wing
Joseph J. Ford)

1:00 P.M. FINANCE (to consider Room 461,
the nominations of 4th Floor
Charles Mebus, Board Conference Rm.,
of Claims and Mary A. North Wing
Meloy, State Tax
Equalization Board)

TUESDAY, MAY 10, 1983

9:30 A.M. ENVIRONMENTAL RESOURCES Room 459,
AND ENERGY (to consider 4th Floor
Senate Bill No. 402 Conference Rm.,
and House Bill No. 84) North Wing

MONDAY, MAY 16, 1983

1:30 P.M. Independent Regulatory Heritage Rm.
Review Commission, B, Lobby,
Dept. of Revenue 15-96; 333 Market St.
Dept. of Transportation
18-151 and 18-143; Dept.
of Public Welfare, 14-202)

MONDAY, MAY 23, 1983

11:00 A.M. JOINT LABOR AND Senate Majority
INDUSTRY and COMMUNITY Caucus Room
AND ECONOMIC DEVELOP-
MENT COMMITTEES (on Job
Training Partnership Act)

TUESDAY, MAY 24, 1983

9:30 A.M. JOINT LABOR AND Senate Majority
INDUSTRY and COMMUNITY Caucus Room
AND ECONOMIC DEVELOP-
MENT COMMITTEES (on Job
Training Partnership Act)

WEDNESDAY, MAY 25, 1983

10:00 A.M. CONSUMER PROTECTION Senate Majority
AND PROFESSIONAL Caucus Room
LICENSURE (Public
Hearing of State
Registration Board of
Professional Engineers)

TUESDAY, MAY 31, 1983

11:00 A.M. JOINT LABOR AND Senate Majority
INDUSTRY and COMMUNITY Caucus Room
AND ECONOMIC DEVELOP-
MENT COMMITTEES (on Job
Training Partnership Act)

WEDNESDAY, JUNE 8, 1983

10:00 A.M. CONSUMER PROTECTION Senate Majority
AND PROFESSIONAL Caucus Room
LICENSURE (Public
Hearing of State Board
of Funeral Directors)

MONDAY, JUNE 13, 1983

3:00 P.M. Independent Regulatory Heritage Rm.
Review Commission A, Lobby,
333 Market St.

WEDNESDAY, JUNE 29, 1983

1:30 P.M. Independent Regulatory Heritage Rm.
Review Commission A, Lobby,
333 Market St.

ANNOUNCEMENT BY THE CHAIR

The PRESIDENT pro tempore. For the information of the Members of the Senate, it is the intention of the Senate to remain open to receive Senate Bill No. 1 back from the House should it be passed this evening so that we may sign it this evening and send it on to the Governor. There will be no further votes and there will be no further action upon the floor of the Senate.

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate to the call of the Chair. I might remind the Members, just in case they would like to know what time we are coming in tomorrow, it will be at 10:30 a.m. that the Senate will convene tomorrow morning.

AFTER RECESS

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

ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Wednesday, May 4, 1983, at 10:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:05 p.m., Eastern Daylight Saving Time.