

Legislative Journal

TUESDAY, OCTOBER 11, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 74

SENATE

TUESDAY, October 11, 1983.

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

The PRESIDENT (Lieutenant Governor William W. Scranton III) in the Chair.

PRAYER

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

Our Father, as we meet in these hallowed halls today, we pray that Thy spirit might lead and direct each one that Thy will may be done. We pray that the problems confronting these Thy servants might be approached with open minds, sensitive hearts and receptive souls. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 5, 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.

LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Fisher for today and tomorrow. He is attending the Energy Committee meeting at the Eastern Regional Conference of State Governments in his capacity as Chairman of the Committee on Environmental Resources and Energy.

I also request a temporary legislative leave of absence for Senator Holl who will be delayed in arriving by virtue of his participation and Chairmanship of the Committee on Banking and Insurance.

Senator ROSS. Mr. President, I request legislative leaves of absence for today's Session for Senator Reibman and Senator O'Pake. They are attending meetings in their districts.

I also request temporary legislative leaves of absence for Senator Rocks and Senator Fumo.

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

LEAVES OF ABSENCE

Senator JUBELIRER asked and obtained leave of absence for Senator HELFRICK, for the week, for personal reasons.

He also asked and obtained leave of absence for Senator WILT, for today's Session, for personal reasons.

Senator ROSS asked and obtained leave of absence for Senator STOUT, for the week, for personal reasons.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

SHERIFF IN AND FOR THE COUNTY OF CAMBRIA

October 5, 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 Richard W. Frombach, R. D. 1, Box 422, South Fork 15956, Cambria County, Thirty-fifth Senatorial District, for appointment as Sheriff in and for the County of Cambria, to serve until the first Monday of January, 1986, vice Joseph Cavanaugh, deceased.

DICK THORNBURGH.

MEMBER OF THE STATE PLANNING BOARD

October 5, 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 David E. Epperson, Ph.D., 115 North Murtland Street, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Planning Board, to serve until December 13, 1985, and until his successor is appointed and qualified, vice Margot Hunt, Swarthmore, whose term expired.

DICK THORNBURGH.

**HOUSE MESSAGES****HOUSE BILLS FOR CONCURRENCE**

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

October 5, 1983

- HB 21, 962** and **1185** — Committee on Local Government.
- HB 85** and **1155** — Committee on Transportation.
- HB 96** and **822** — Committee on State Government.
- HB 310** and **533** — Committee on Finance.
- HB 327** — Committee on Urban Affairs and Housing.
- HB 350** — Committee on Agriculture and Rural Affairs.
- HB 491** — Committee on Labor and Industry.
- HB 1137** — Committee on Judiciary.
- HB 1154** — Committee on Consumer Protection and Professional Licensure.
- HB 1229** — Committee on Environmental Resources and Energy.
- HB 1438** — Committee on Appropriations.

**HOUSE RESOLUTION FOR CONCURRENCE**

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

October 5, 1983

**House Concurrent Resolution No. 124** — Committee on Transportation.

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

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

Senate Concurrent Resolution No. 69.

**GENERAL COMMUNICATIONS****BILLS INTRODUCED AND REFERRED**

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

October 5, 1983

Senators KUSSE, SINGEL, STOUT, FISHER, HELFRICK and REIBMAN presented to the Chair **SB 1045**, entitled:

An Act amending the act of February 11, 1976 (P. L. 14, No. 10), entitled "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," granting additional power to the department to dispose of certain lands.

Which was committed to the Committee on TRANSPORTATION, October 5, 1983.

Senators KUSSE and HELFRICK presented to the Chair **SB 1046**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of lighted lamps.

Which was committed to the Committee on TRANSPORTATION, October 5, 1983.

Senators KUSSE, HELFRICK and CORMAN presented to the Chair **SB 1047**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the determination of the status of habitual offender.

Which was committed to the Committee on TRANSPORTATION, October 5, 1983.

Senators KUSSE and HELFRICK presented to the Chair **SB 1048**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the use of lighted lamps.

Which was committed to the Committee on TRANSPORTATION, October 5, 1983.

Senators O'CONNELL and ZEMPRELLI presented to the Chair **SB 1049**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," eliminating certain seal requirements on certain nomination petitions.

Which was committed to the Committee on STATE GOVERNMENT, October 5, 1983.

Senators STOUT, CORMAN, HELFRICK, KELLEY, ANDREZESKI and PECORA presented to the Chair **SB 1050**, entitled:

An Act creating the Coroners' Education Board; requiring coroners and certain deputies to take a course of instruction and an examination; and requiring continuing education.

Which was committed to the Committee on JUDICIARY, October 5, 1983.

Senator STOUT presented to the Chair **SB 1051**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for coroner's investigations.

Which was committed to the Committee on LOCAL GOVERNMENT, October 5, 1983.

Senator STOUT presented to the Chair **SB 1052**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, October 5, 1983.

Senators KRATZER and BRIGHTBILL presented to the Chair **SB 1053**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the qualifications of school bus drivers.

Which was committed to the Committee on TRANSPORTATION, October 5, 1983.

Senators SHAFFER, REIBMAN, SINGEL; WENGER, O'CONNELL, FISHER, HELFRICK, HESS, KRATZER, ROSS, LINCOLN, PECORA, ANDREZESKI, RHOADES, JUBELIRER and CORMAN presented to the Chair **SB 1054**, entitled:

An Act providing a tax credit for donated and shared equipment and services.

Which was committed to the Committee on FINANCE, October 5, 1983.

Senators SHAFFER, REIBMAN, BELL, O'CONNELL, FISHER and HELFRICK presented to the Chair **SB 1055**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," permitting empty liquor bottles to be recycled under certain circumstances.

Which was committed to the Committee on LAW AND JUSTICE, October 5, 1983.

Senators SHAFFER, SINGEL, REIBMAN, BELL, HELFRICK, SHUMAKER, WENGER, KRATZER, HESS, JUBELIRER, RHOADES, MUSTO, LINCOLN, ANDREZESKI and ROSS presented to the Chair **SB 1056**, entitled:

An Act establishing a Pennsylvania Trade Authority; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, October 5, 1983.

Senators SHAFFER, SINGEL, REIBMAN, BELL, HELFRICK, SHUMAKER, WENGER, KRATZER, HESS, JUBELIRER, RHOADES, MUSTO, LINCOLN, ANDREZESKI and ROSS presented to the Chair **SB 1057**, entitled:

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

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, October 5, 1983.

Senators HOWARD, CORMAN, HELFRICK and KUSSE presented to the Chair **SB 1058**, entitled:

An Act relating to mental retardation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 5, 1983.

Senators ROCKS, LYNCH, LLOYD, HANKINS and FUMO presented to the Chair **SB 1059**, entitled:

An Act making an emergency appropriation to the Philadelphia School District, to be used for repair and replacement costs incurred as a result of problems caused by asbestos in public and nonpublic schools.

Which was committed to the Committee on APPROPRIATIONS, October 5, 1983.

Senators BRIGHTBILL, HELFRICK, SHUMAKER and ANDREZESKI presented to the Chair **SB 1060**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from registration.

Which was committed to the Committee on TRANSPORTATION, October 5, 1983.

Senators HAGER, SHAFFER, JUBELIRER, SINGEL, STAPLETON, KUSSE, STOUT, WENGER, O'CONNELL, BRIGHTBILL, CORMAN, MOORE and ANDREZESKI presented to the Chair **SB 1061**, entitled:

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), entitled "Forest Reserves Municipal Financial Relief Law," increasing the amount paid by the Commonwealth.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 5, 1983.

October 7, 1983

Senators O'PAKE, GREENLEAF and ANDREZESKI presented to the Chair **SB 1062**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring seat belts for school buses; and providing penalties.

Which was committed to the Committee on TRANSPORTATION, October 7, 1983.

Senators HOLL, HAGER, FISHER, WILT, HELFRICK, WENGER, HOPPER, CORMAN, MOORE and FUMO presented to the Chair **SB 1063**, entitled:

An Act establishing an automobile insurance assigned claims plan.

Which was committed to the Committee on BANKING AND INSURANCE, October 7, 1983.

Senators HOLL, HAGER, FISHER, WILT, WENGER, HELFRICK, HOPPER, CORMAN, MOORE and FUMO presented to the Chair **SB 1064**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for insurance.

Which was committed to the Committee on BANKING AND INSURANCE, October 7, 1983.

## RESOLUTIONS INTRODUCED AND REFERRED

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

October 5, 1983

### DECLARING THE WEEK OF NOVEMBER 21, 1983 AS GUION S. BLUFORD, JR., WEEK

Senators HANKINS, WILLIAMS, ROCKS, FUMO, LYNCH, LLOYD, STREET, MELLOW, STAPLETON, HESS, HELFRICK, O'PAKE, CORMAN, BELL, ROMANELLI, STOUT, BRIGHTBILL, O'CONNELL, LINCOLN, ZEMPRELLI, SCANLON, EARLY, REIBMAN and SNYDER offered the following resolution (**Senate Concurrent Resolution No. 85**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, October 5, 1983.

**A CONCURRENT RESOLUTION**

Declaring the week of November 21, 1983 as Guion S. Bluford, Jr., Week.

WHEREAS, Lieutenant Colonel Guion S. Bluford, Jr., successfully completed a four day flight of the orbiter Challenger while serving as a mission specialist for STA-8 on the historical first night launch; and

WHEREAS, Guion S. Bluford, Jr., was selected as one of 35 astronauts out of a total of 8,044 applicants; and

WHEREAS, His main responsibility on the mission was to launch a communication and weather satellite supplied by India from the shuttle's cargo bay and to assist in an experiment using live animal and human cells which is impossible to produce on earth because of its gravity; and

WHEREAS, He has received ten Air Force Medals, three Air Force Outstanding Unit Awards, an Air Force Commendation Medal and the National Society of Black Engineers Distinguished National Scientist Award, the Pennsylvania State University Alumni Association's Distinguished Alumni Award, along with a host of other awards and honors; and

WHEREAS, He was born and reared in Philadelphia, Pennsylvania, graduated from Overbrook Senior High School in 1960, received a Bachelor of Science in Aerospace Engineering from Penn State University in 1964, a Master of Science with distinction in Aerospace Engineering from the Air Force Institute of Technology in 1974, and a Doctor of Philosophy in Aerospace Engineering with a minor in Laser Physics from the Air Force Institute of Technology in 1978; and

WHEREAS, Guion S. Bluford, Jr., is the first black American to go on a space mission in the 25 years of the United States space program and will now become a positive role model for our youth of today in a field with few black heroes; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania declare the week of November 21, 1983 as Guion Bluford, Jr., Week; and be it further

RESOLVED, That copies of this resolution be transmitted to the Governor of the Commonwealth of Pennsylvania and to the United States National Aeronautics and Space Administration.

**DIRECTING THE PRESIDENT PRO TEMPORE  
OF THE SENATE AND THE SPEAKER OF THE  
HOUSE OF REPRESENTATIVES TO APPOINT A  
SPECIAL BIPARTISAN COMMITTEE TO  
INVESTIGATE AND MAKE RECOMMENDATIONS  
TO THE GENERAL ASSEMBLY ON THE  
SPONSORSHIP OF THE FIRST  
"PENNSYLVANIA PRODUCTS EXPOSITION"**

Senators SHAFFER, HELFRICK, SINGEL, O'PAKE, WENGER, BRIGHTBILL, RHOADES and O'CONNELL offered the following resolution (**Senate Concurrent Resolution No. 86**), which was read and referred to the Committee on Community and Economic Development:

In the Senate, October 5, 1983.

**A CONCURRENT RESOLUTION**

Directing the President pro tempore of the Senate and the Speaker of the House of Representatives to appoint a special bipartisan committee to investigate and make recommendations to the General Assembly on the sponsorship of the first "Pennsylvania Products Exposition."

WHEREAS, The economy of Pennsylvania and opportunities for employment with the State are increasingly dependent upon international exports; and

WHEREAS, The export of services, agricultural products and manufactured goods has become vital to the growth and stability of Pennsylvania's economy; and

WHEREAS, The position of Pennsylvania as an exporting State is threatened by aggressive government-supported export development policies of foreign countries; and

WHEREAS, Other states have or are preparing to utilize the resources of their state government to stimulate international exports; and

WHEREAS, Expanding international export markets is essential in order to maintain a vigorous and growing economy and provide adequate job opportunities for Pennsylvanians; and

WHEREAS, Pennsylvania has a responsibility to create employment opportunities by encouraging and stimulating international export sales and markets by Commonwealth manufacturers and producers; therefore be it

RESOLVED, That the President pro tempore of the Senate and the Speaker of the House of Representatives appoint a bipartisan committee as follows:

In the Senate, the Majority and Minority Chairman of the Community Economic Development Committee and the Majority and Minority Chairman of the Agriculture Committee and the Secretary of Agriculture.

In the House of Representatives, the Majority and Minority Chairman of the Business and Commerce Committee and the Majority and Minority Chairman of the Agriculture Committee and the Secretary of Commerce; and be it further

RESOLVED, That the committee investigate the feasibility and make recommendations on the sponsorship of the first "Pennsylvania Production Exposition"; and be it further

RESOLVED, That the committee report its findings and recommendations to the General Assembly within 90 days.

**ADMINISTRATIVE RULES REPORT  
NO. 4 OF 1983**

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Environmental Resources  
Harrisburg, PA 17120

October 5, 1983

Mr. Mark R. Corrigan  
Secretary of the Senate  
Room 462, Main Capitol  
Harrisburg, PA 17120

Dear Mr. Corrigan:

I am pleased to submit to the General Assembly the Storm Water Management Guidelines and Model Ordinances as directed by Section 14(b), Act of October 4, 1978 P.L. 864, No. 167, known as the Storm Water Management Act, and under the procedures provided in the Act of April 7, 1955 P.L. 23, No. 8, known as the Reorganization Act of 1955.

The Storm Water Management Act is a major step towards stabilizing Pennsylvania's flooding problems. Flood control pro-

jects designed in years past are losing their effectiveness as new developments increase the rate and quantity of stormwater entering our streams. In Pennsylvania intensity of land use has caused a sharp rise in the number of flooding events. Since 1936 Pennsylvania has suffered 18 major floods accounting for total damages in excess of \$5.8 billion. Although there is tendency to look upon the great floods such as 1936 and 1972 as remote and unprecedented events, the fact is that serious and moderate floods frequently cause extensive localized damage to communities throughout the Commonwealth.

Storm water management is concerned with the planning design and management of the flow and storage of surface waters resulting from large and small storms including consideration of water quality and interaction with groundwater. The implementation of stormwater management plans will stabilize the quantity and velocity of storm water which enters our streams. The plans will help to prevent downstream flooding, stream channel erosion and resulting siltation, provide a balance for existing biological habitat in streams, maintain or increase the flow to groundwater and reduce the amount of nonpoint source pollution.

Approval of these guidelines will give assistance to counties and local governments facing the increasing problems of accelerated stormwater runoff. As the General Assembly itself determined when enacting the Storm Water Management Act, dealing with storm water runoff in a reasonable manner is fundamental to the public health, safety and welfare and the protection of the people of the Commonwealth, their resources and the environment.

Sincerely,  
NICHOLAS DeBENEDICTIS  
Secretary  
Department of  
Environmental Resources

The PRESIDENT. This will appear on the Calendar as Administrative Rules Report No. 4 of 1983.

### REPORT FROM JOINT STATE GOVERNMENT COMMISSION

#### PROBATE, ESTATES AND FIDUCIARIES CODE, PROPOSED AMENDMENTS AND COMMENTS—1983

Senator SNYDER. Mr. President, on behalf of the Joint State Government Commission and specifically Chairman Roger A. Madigan, I have the honor to transmit the publication "Probate, Estates and Fiduciaries Code, Proposed Amendments and Comments—1983." I might say, Mr. President, the legislation which is suggested by this report awaits the sponsorship of several Members of the task force. As soon as I am able to contact Senator Kelley, Senator Shaffer and Senator Williams, we will submit the legislation. Senator Reibman and I have already signed the two bills.

I also think it is appropriate to say we owe a great deal of debt to the Advisory Committee that drafted this report and the legislation. This consists of about thirty members: jurists, lawyers and laymen who are active in the probate field. They have worked, as they always do, very diligently to prepare this legislation.

The Clerk read the communication as follows:

GENERAL ASSEMBLY OF THE  
COMMONWEALTH OF PENNSYLVANIA  
Joint State Government Commission  
Room 108 - Finance Building  
Harrisburg 17120

October 11, 1983

To the Honorable, the Senate  
of the General Assembly of the  
Commonwealth of Pennsylvania

On behalf of the Joint State Government Commission, I have the honor to transmit herewith the publication Probate, Estates and Fiduciaries Code, Proposed Amendments and Comments—1983.

Copies of this publication for members of the Senate have been placed in their post office boxes.

Respectfully submitted,  
ROGER A. MADIGAN  
Chairman

The PRESIDENT. This report will be filed in the Library.

### RESOLUTIONS REPORTED FROM COMMITTEE

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

#### SR 75 (Pr. No. 1233)

Urging the Governor and President to approve drought relief to Pennsylvania farmers.

#### HR 126 (Pr. No. 1716)

Declaring October as Cooperative Month.

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

### REPORT FROM COMMITTEE

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

#### HB 256 (Pr. No. 1792)

An Act prohibiting the cutting, digging, removal, transportation or sale within this Commonwealth for any purpose of Christmas trees, evergreen boughs or shrubs, without a bill of sale or other proof of ownership from the owner of the land on which the same are grown; and providing a penalty.

### GENERAL COMMUNICATIONS

#### DISCHARGE PETITIONS

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

In the Senate, October 11, 1983.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate

has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on July 5, 1983; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Jane D. Eves	Member Board of Trustees Eastern State School and Hospital
	Edward P. Zemprelli Eugene F. Scanlon Robert J. Mellow Francis J. Lynch James E. Ross

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

In the Senate, October 11, 1983.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part “... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first....”

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on July 5, 1983; and
2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Honorable Murray G. Dickman	Member State Employees' Retirement Board
	Edward P. Zemprelli Eugene F. Scanlon Robert J. Mellow Francis J. Lynch James E. Ross

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

## SENATE CONCURRENT RESOLUTION

### WEEKLY ADJOURNMENT

Senator JUBELIRER offered the following resolution, which was read as follows:

In the Senate, October 11, 1983.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 17, 1983 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Monday, October 17, 1983 unless sooner recalled by the Speaker.

Senator JUBELIRER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

### SENATE CONCURRENT RESOLUTION ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—46

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

#### NAYS—0

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

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 would like the record to note the presence on the floor of Senator Holl. I request his temporary legislative leave of absence be cancelled.

The PRESIDENT. The record will so indicate.

### MISS PENNSYLVANIA PRESENTED TO SENATE

Senator JUBELIRER. Mr. President, thank you for recognizing me for an annual, pleasurable and rewarding experience. It is always an honor for me, as the Senator representing the City of Altoona, to call attention to the Members of the Senate that for a number of years that city has been the home of the Miss Pennsylvania Pageant.

As always, we are delighted and honored to have the reigning Miss Pennsylvania honor us with some remarks. She is here today, Mr. President, and her name is Jennifer Lynn Eshelman. She is from Senator Rhoades' district in Schuylkill County. She is accompanied by her parents, Mr. and Mrs. Leon Eshelman, Sandy Durbin from Altoona who is her traveling companion and Duane Bordell of the Miss Pennsylvania Pageant in Altoona. Miss Pennsylvania is someone I am very fortunate to at least share in my district, we have cut many ribbons together and that is one of the more pleasurable experiences of representing that city in the State Senate.

Without any further remarks, Mr. President, I ask you to recognize Miss Pennsylvania's home Senator, Senator Rhoades, who, I am sure, will offer some further observations.

Senator RHOADES. Mr. President, it is indeed a great pleasure and an honor for me to present to the Senate Miss Pennsylvania of 1983, Jennifer Lynn Eshelman. Jennifer is the daughter of Mr. and Mrs. Leon Eshelman who are residents of the beautiful Hegins Valley, which is located in the western section of Schuylkill County, my home county. Jennifer is a 1978 honor graduate of Tri-Valley High School where she earned great recognition for her fine contributions to school and community. I call special attention to a special quality within this young lady because she was sincerely involved in many of her church activities and church related activities. In 1982, she graduated summa cum laude from Pennsylvania State University. One of her outstanding achievements was her participation in the singing group Re-Creation where she very expertly demonstrated her excellent singing talents. She was crowned Miss Pocono and on June 18, 1983, she was crowned Miss Pennsylvania in Altoona. I have been in her company at least four or five times and I think anyone who knows Jennifer must say that she is a very attractive, intelligent and talented individual. Most importantly, she is a very personable and warm young lady. I think I can say without qualification that she is an excellent representative for the Commonwealth of Pennsylvania.

It gives me great pleasure to present to the Senate of the Commonwealth of Pennsylvania, Miss Pennsylvania of 1983, Jennifer Lynn Eshelman.

(Applause.)

Miss Eshelman. Thank you very much, Senator Rhoades, and thank you, gentlemen. It is an honor for me to be here with you today, which I have looked forward to greatly. I am a very proud and happy Pennsylvanian and, because of that, it is a distinct privilege for me to be here among you who are the cornerstone of the management for

our great Commonwealth. It is a very big thrill for me to be here.

As Senator Rhoades mentioned, I come from the metropolis of Hegins, Pennsylvania. When anyone asks what the population of Hegins is, I usually reply that my daddy put it best. He always says there are about 800 people and a lot of cows. I think that is a good valley to be from. With agriculture leading our State in industry right now, I am proud of that fact and of the fact that our family business, which was formed forty years ago by my grandfather, is egg packaging and distribution and it is now carried on by my father. We are all ardent Nittany Lion fans and are breathing a little easier after Saturday's victory. We all feel very good about that.

If you ever get to our part of the State, I extend an invitation to come and visit us. I know you would be welcomed very warmly and very cordially and, I know, with sincere admiration and appreciation for the long hours of work you have put in to make our State the best State in the Union. I am happy about that.

As your Miss Pennsylvania, I have had the opportunity to travel all over our State. Though only in the fourth month of my reign, I have already had the opportunity to travel over 10,000 miles and have seen every corner of the State. Everywhere I go I am amazed anew at the friendliness and warmth the people greet me with. Those appearances range from singing and performing for conventions and banquets to modeling for charity. I have appeared in many beautiful festivals, community events and parades and, as Senator Jubelirer said, we have even cut some ribbons together around our hometown area of Altoona. I believe my favorite part of being Miss Pennsylvania is the aspect of service which is given to me. I have had the opportunity to be in nursing homes, Veterans Administration hospitals and I even toured the children's hospital and was able to bring some joy to some of those children and share in their lives.

I would like to thank you for your continued support of that service aspect of our pageant. I also would like to express my gratitude for your support of the scholarship which is the core of the Miss Pennsylvania program. I know our Executive Director, Duane Bordell, all the young women you helped with the scholarship, our State travelling companion, Sandy Durbin, and all the members of the Miss Pennsylvania Scholarship Pageant Association give you our heartfelt thanks. It was a thrill to be here with you today. Thank you and God bless you.

(Applause.)

The PRESIDENT. On behalf of all the Members of the Senate, we thank you for being with us today and wish you the very best in the balance of your reign.

Senator RHOADES. Mr. President, I would like to make one additional introduction. There are two people who are very special in Jennifer's life who are with her today. This is a special day for them. By the same token, I think it has been a special activity all year long. I will say Jennifer has accomplished so much because she has had the guidance and the love of her parents. I would like to introduce Mr. and Mrs. Eshelman.

The PRESIDENT. Would Mr. and Mrs. Eshelman please rise so the Senate can give you their usual warm welcome? (Applause.)

**RECESS**

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room at the rear of the Senate Chamber. I then ask all Republican Members of the Senate to report to the first floor caucus room immediately following the meeting of the Committee on Rules and Executive Nominations for a brief caucus. It is our hope, expectation and even prayer that we return to the floor by 4:00 p.m.

Senator ZEMPRELLI. Mr. President, I ask that we also caucus at this time. I ask all Democratic Members to return to the caucus room forthwith.

The PRESIDENT. For the purposes of a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room, to be followed by Republican and Democratic caucuses, the Chair declares the Senate in recess.

**AFTER RECESS**

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

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

**SB 98 TAKEN FROM THE TABLE**

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 98, Printer's No. 1293, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

**CALENDAR**

**BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**

**BILLS OVER IN ORDER**

**SB 199 and 206** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

**BILL OVER IN ORDER TEMPORARILY**

**SB 300** — Without objection, the bill was passed over in its order temporarily at the request of Senator SCANLON.

**BILLS OVER IN ORDER**

**SB 526 and 879** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

**THIRD CONSIDERATION CALENDAR**

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 177 (Pr. No. 200)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 484), further providing for payments by the Commonwealth.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

**YEAS—46**

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

**NAYS—0**

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

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

**BILLS OVER IN ORDER**

**SB 281 and 642** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 979 (Pr. No. 1214)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," changing certain requirements for free hunting licenses for disabled veterans.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

**YEAS—46**

Andrezeski	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jubelirer	O'Connell	Singel
Brightbill	Kelley	O'Pake	Snyder
Corman	Kratzer	Pecora	Stapleton
Early	Kusse	Reibman	Stauffer
Fisher	Lewis	Rhoades	Street



Fumo	Lincoln	Rocks	Tilghman
Greenleaf	Lloyd	Romanelli	Wenger
Hager	Loeper	Ross	Williams
Hess	Lynch	Scanlon	Zemprelli
Holl	Mellow		

NAYS—0

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

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

**SB 980 (Pr. No. 1215)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for free fishing licenses for certain disabled veterans.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—46

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

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.

**SECOND CONSIDERATION CALENDAR**

**PREFERRED APPROPRIATION BILL  
OVER IN ORDER**

**SB 983** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILL OVER IN ORDER**

**SB 42** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILL ON SECOND CONSIDERATION**

**HB 52 (Pr. No. 1879)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1980 (P. L. 1252, No. 228), entitled "A supplement to the act of October 6, 1980 (P. L. 784, No. 145), entitled 'An act providing for the capital budget for the fiscal year 1980-1981,' itemizing public improvement and furniture and equipment projects, to be constructed by

the Department of General Services and transportation assistance projects to be acquired or constructed by the Pennsylvania Department of Transportation together with their estimated financial cost; \* \* \* providing for the adoption of capital projects to be financed from current revenues of the Boating Fund and the Fish Fund and making an appropriation," increasing and adding certain projects; and making a repeal.

Considered the second time and agreed to,

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

**BILLS OVER IN ORDER**

**SB 201, 215, HB 258, SB 264 and 266** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

**BILLS ON SECOND CONSIDERATION**

**HB 368 (Pr. No. 418)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 26, 1961 (P. L. 887, No. 382), entitled, as amended, "An act relating to the satisfaction of mortgages in counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth class by the recording of a satisfaction piece, prescribing forms therefor, and fixing fees for the recording thereof," further providing for satisfaction pieces.

Considered the second time and agreed to,

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

**HB 370 (Pr. No. 420)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), providing for public auction.

Considered the second time and agreed to,

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

**HB 372 (Pr. No. 422)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), providing for public auction.

Considered the second time and agreed to,

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

**BILLS OVER IN ORDER**

**SB 373, 387, 432, 453 and 456** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

**BILL REREFERRED**

**HB 500 (Pr. No. 1525)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for emergency mortgage assistance for homeowners.

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

#### BILL OVER IN ORDER

**SB 525** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

#### BILL ON SECOND CONSIDERATION

**HB 585 (Pr. No. 653)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 26, 1961 (P. L. 887, No. 382), entitled, as amended, "An act relating to the satisfaction of mortgages in counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth class by the recording of a satisfaction piece, prescribing forms therefor, and fixing fees for the recording thereof," authorizing the use of a certified copy of the mortgage instrument.

Considered the second time and agreed to,

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

The **PRESIDENT (Lieutenant Governor William W. Scranton III)** in the Chair.

#### BILLS ON SECOND CONSIDERATION

**HB 586 (Pr. No. 654)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1715 (1 Sm. L. 94, Ch. 208), entitled "An Act for acknowledging and recording of deeds," further providing for satisfaction of mortgages and modernizing certain language.

Considered the second time and agreed to,

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

**SB 589 (Pr. No. 653)** — 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," further providing for certain applications for official absentee ballots, for absentee electors files and lists and for canvassing of official absentee ballots.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**SB 761, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898 and 899** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

#### PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The **PRESIDENT**. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, would the request of the Majority Leader to go over the remaining bills on the Calendar apply to a bill which had been temporarily passed over—Senate Bill No. 300?

The **PRESIDENT**. No, it did not.

#### SB 300 CALLED UP

**SB 300 (Pr. No. 1219)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, by Senator JUBELIRER.

#### SENATE NONCONCURS IN HOUSE AMENDMENTS

**SB 300 (Pr. No. 1219)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "local authorities" to include airport authorities which are not located within counties of the first class or counties of the second class; providing for notice relating to chemical tests and driving under the influence; and further providing for exemptions from the axle tax.

Senator JUBELIRER. Mr. President, I suppose what I should do is to ask if the Minority Leader would move to concur and then I will move to oppose the motion if that is what the gentleman's caucus wishes to do. Senator Lincoln can do it. I do not care.

Mr. President, it is our intention to nonconcur and I gather that Senator Lincoln wants to concur. If he would make the motion to concur, I will then ask for a "no" vote.

Senator ZEMPRELLI. Mr. President, it is always my understanding, although the practice is not adhered to with a great deal of integrity, that the motion should always be one to concur. The vote thereon then is whether we do by a negative or affirmative vote. On that basis, I move on behalf of my caucus that we do concur. I ask for an affirmative vote.

On the question,

Will the Senate agree to the motion?

Senator JUBELIRER. Mr. President, as I stated before, I ask for a "no" vote on the motion of the gentleman from Allegheny, Senator Zempirelli.

Senator LINCOLN. Mr. President, this bill has been around now for six legislative days or three weeks. During that period of time, I have not been able to understand what the objection is to passing this bill which was overwhelmingly passed in the House. A provision of the bill which I am specifically interested in would bring about an exception to the axle tax law that was passed last year which would apply only to truck owners bringing their trucks into Pennsylvania to have repair work done on them.

Mr. President, I am amazed at the request from the Majority Leader for nonconcurrence because there is nothing wrong with what we are doing. There will be absolutely no loss of revenue. It will not affect the axle tax in any way other than the exception as I previously described it. In fact, there probably will be an increase of revenue for the State of Pennsylvania because we would be picking up additional sales tax on the work being done and we would be picking up income tax

on individuals who are working on those particular trucks. As I said, there could not be a loss. Because of what is happening in counties that border on other States, we are not getting that business. The trucks are not coming in. The owners are not bringing them in to have them repaired because they either have to pay the axle tax or they can be fined if they are caught without the sticker which would indicate the payment of that tax. They just are not coming in. What this means is that in some cases, like my particular case in Somerset County, we have a truck repair business that had thirty-seven employees which is now down to eighteen. They are a Cummins dealer and people who own this model and make of truck come in from Keyser, West Virginia and parts of Maryland. It now means they really have no place to go, although I am certain in time they are going to find some place to do their repair work. We have lost nineteen jobs in Somerset County. We have lost that additional sales tax and income tax as I previously stated. We are in an area where employment is so bad anyway and I cannot believe that anybody would not want to do something that would promote at least calling back the people that are laid off.

Mr. President, I think the question I have about the opposition to this bill goes even deeper. Last year when we passed the axle tax, the intent of the votes for that tax was to promote employment. We were supposed to fund a major bridge building project and program and this was part of it. We were told there would be 40,000 new jobs in Pennsylvania because of this effort. For the life of me, I cannot understand why someone could not support the same philosophy when it came down to allowing an exception for someone to bring their trucks into the State to have them worked on which brings about employment for people in Pennsylvania.

Mr. President, I have given the Members an example of eighteen jobs that have been lost simply because of the axle tax keeping people from coming into Pennsylvania. There are many, many other problems with the axle tax which we will not get into at this particular time. This is one we have an opportunity to correct with absolutely no bad effect on State government as we see it. It cannot be extended to anyone else. It cannot be construed to be something it is not. It is an exception for someone bringing in a five axle over-the-road truck to have their truck repaired. They are going to pay Pennsylvania people to do the work. They are going to pay Pennsylvania sales tax to have the work done. They are going to cause that employee to be paying Pennsylvania income tax. I absolutely sometimes do not understand what goes on in the legislative process and I have to admit to the Members that I am not trying to be coy, smart or cute, or anything like that. I really do not understand why anybody would want to vote against this bill and I ask the Members to reconsider that and maybe to vote for it. Let us help some people, at least those in the border areas of the State we all represent.

Senator KUSSE. Mr. President, I join the Majority Leader in requesting a negative vote on the concurrence of this bill. There are problems in spite of what my colleague, the gentleman from Fayette, Senator Lincoln, says. There are problems

with that provision which would permit trucks to come into the State without having first paid the axle tax. We are trying to work it out. We are trying to arrive at a solution that will be fair to all concerned. There are other provisions within the bill that also need some attention, and I join my colleagues in my caucus in the feeling that the bill should go to a committee where we can work out these problems.

#### LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, at this time I request legislative leaves of absence for the remainder of today's Session for Senator Hager and Senator Corman.

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

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

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Warren, Senator Kusse.

The PRESIDENT. Will the gentleman from Warren, Senator Kusse, permit himself to be interrogated?

Senator KUSSE. I will, Mr. President.

Senator LINCOLN. Mr. President, the gentleman indicated in previous remarks he had a problem with other sections of Senate Bill No. 300. I quite frankly have very little problem with anything in the bill, but I would be willing to make a motion to divide the bill into two sections so that problems that existed beyond the transportation section may be nonconcurrent in and the portion of the axle tax exemption would be concurred upon. Is that something the gentleman has considered or could consider?

Senator KUSSE. Mr. President, I want to see Senate Bill No. 300 go to the Committee of Conference. I am going to nonconcur in one, both or all parts.

Senator LINCOLN. Mr. President, could the gentleman be a little more specific about the problems he sees that would come about by enacting the special exemption for repair work?

Senator KUSSE. Mr. President, I thought I did explain that we see problems in trying to enforce that rule. Earlier in my remarks I indicated I feel it would be very difficult to enforce it and it would be possible for operators of motor carrier vehicles to come into the State and evade the law that requires the axle tax sticker. I do not know how I can make it much clearer than that. I see problems with the implementation of this provision. It would be possible for the vehicle to come in, be stopped by law enforcement officers and for the operator to claim he is on his way to some repair station.

We could say, "Well he is going to have a certificate in there that says that is where he is going." It is pretty easy to get those certificates from friends, especially if he did, indeed, purchase that vehicle from a Pennsylvania dealer. We feel we have to come up with some method to ensure there will be compliance with the law. We could say he can come in with the truck unloaded, but there are problems with that. In fact, Mr. President, there are so many problems that it is for those reasons I would like to see the bill go to a Committee of Conference.

Senator LINCOLN. Mr. President, I think what the gentleman from Warren, Senator Kusse, has just done is give us an overall view of the problems with the axle tax itself and not a specific provision which would allow someone to come in, get their truck repaired, have a bill in hand showing that they paid for it or were billed for it and produce that particular document to any law enforcement officer who was charged with the responsibility of enforcing this act. It goes so deep to the problem with what the gentleman spoke of that this particular piece of legislation is so badly undercollecting the revenues that were projected simply because it is not a tax that can be enforced and collected. I hope the people who live in border counties such as mine, in Somerset County, Fayette County and Washington County, and the whole way up the western tier, the southern tier, the northern tier and the eastern tier, are not going to wait until we find some way of collecting the silliest tax I have ever seen in my life. If we want to start talking about inequities, let us start talking about how bad this piece of legislation is. What are we going to do to fund our bridges when we cannot collect \$25 million out of \$67 million? Why do we make people suffer and have people unemployed because we want to wait to see what happens with the administration? It is silly. The amendment in this bill costs nothing. In fact, the amendment in this bill will bring in additional revenue and it cannot make it any worse on enforcing an already silly, ridiculous, almost unenforceable piece of legislation we passed last year. I did not vote for it. I am telling the Members if we continue with these kinds of problems that we create and we are fearful of trying to correct without going back and undoing the whole thing, we are going to have a lot of people out there angry with us. That is why we have a lot of people out there who are not working, because we do not have the courage sometimes to look at things through a clear glass. I am telling the Members when they vote against this, it is a silly vote just like the vote that passed the axle tax last year.

Senator BELL. Mr. President, I was not going to say anything until I was accused of being silly. If I am going to be silly, I am going to be very silly. I did not vote for the tax either. The reason I am going to support the chairman is not because I agree with him, it is because this does not go far enough. I am concerned with a lot more things than just bringing a truck in for repairs. I represent a border county. I did chair the committee that went into the shortcomings of the axle tax. This is one of the biggest flops that has hit this Commonwealth. I do not buy the Department of Transportation's story that it did not cause a fall off in truck registrations. What they forget to tell anybody when they put out that silly story is that the estimates were made at the bottom of a depression and since then there has been rapid revival of the economy. The Members who drive the Turnpike know the truck traffic on the Turnpike is far heavier now than it was last November or December when we passed that tax. Remember that tax was passed without going through a committee. It came from the floor just like this one did. I think we ought to have a new bill, and I will cosponsor it with the gen-

tleman from Fayette, Senator Lincoln, to not only permit them to bring them in to repair them, but all the other shortcomings. I am not going to take up the time of the Senate at this hour to tell the Members of all the shortcomings, for it would take a half hour to tell what is wrong with this tax. It is a bad tax. It is driving trucking companies out of the State. They have left my district. It has cut down on what should have been a greatly increased amount of truck registrations in the State. We have not seen the bottom because we have not bottomed out on it. I am going to back up the chairman with the hope that we can handle this by a separate bill with committee action and I certainly hope with public hearings such as the Legislative Budget and Finance Committee recommended to the Committee on Transportation of the Senate.

Senator KUSSE. Mr. President, I do not want to prolong the argument, but I do have to correct a couple of impressions that the gentleman from Fayette, Senator Lincoln, has left with this Body. The gentleman is exceedingly wrong when he says this tax has only brought in \$25 million worth of revenue. The estimate was it would bring in something in the high \$60 million range and there was every indication according to a conversation that I had with the Secretary of Transportation today, that we will, indeed, reach that goal. I do not think that part of it was very silly and, perhaps, the gentleman thinks it is silly that it is our intention to spend some of that money on bridges in his district. I just do not think that is very silly. I would suggest to the gentleman that he check with PennDOT and get the exact figure. I think he will find it is far in excess of the \$25 million he suggests.

Senator BELL. Mr. President, for the benefit of the gentleman from Warren, Senator Kusse, those figures came from the department. They were furnished to the Legislative Budget and Finance Committee earlier this summer. They can say they are phony but if they are phony, they were given to the watchdog committee by PennDOT.

Senator LINCOLN. Mr. President, my remarks did not indicate the \$25 million figure was the highest level. It indicated that of the \$67 million to \$69 million estimate, it would be \$25 million short of that, somewhere in the neighborhood of \$40 million, which has been substantiated by the committee of the gentleman from Delaware, Senator Bell, doing the investigation.

I have been around here for a while and I have heard different figures coming from the Secretaries of PennDOT clear back to 1972. Sometimes they make mistakes and they do not completely have the information as it turns out at the end of the fiscal year.

My argument did not begin with the axle tax itself because I think we will be standing here at some time in the future discussing the axle tax in a much more intelligent and sound manner as we usually do things in this Body. I want to tell the Members that to take the position that one little exception that is badly needed cannot be done because it may have an effect on that tax itself or the enforcement of that tax is just not so. The problems with enforcing that tax and the collection of that tax go way beyond the exception of an occasional

truck coming in for repair. It does not just affect my district, it affects everyone who has a district with a county on the border of another State. I think the intelligent thing to do now would be to allow this exception and get on with the business of taking a further look at the axle tax itself. I am not saying we should do something that would do away with that totally. I think there should be a way of making it work and, if not, then coming up with something as an alternative.

I really believe to do this today, to deny employment to people and to deny the opportunity for people to work, is not what this particular bill was intended to do. It is kind of funny that it is going to be doing just the opposite of what the argument was when it was passed last year. I urge the Members to vote "yes" on this bill.

**LEGISLATIVE LEAVE**

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Moore who has just been called off the floor.

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

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

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

**YEAS—22**

Andrezski	Lewis	O'Pake	Scanlon
Bodack	Lincoln	Reibman	Singel
Early	Lloyd	Rocks	Stapleton
Fumo	Lynch	Romanelli	Williams
Hankins	Mellow	Ross	Zemprelli
Kelley	Musto		

**NAYS—25**

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

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

The PRESIDENT. The amendments are nonconcurrent in.

Senator JUBELIRER. Mr. President, I move that the President pro tempore appoint a Committee of Conference.

The motion was agreed to.

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

**COMMUNICATION FROM THE GOVERNOR**

**RECALL COMMUNICATION  
LAID ON THE TABLE**

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

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

October 11, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 22, 1983 for the appointment of Herbert W. Browne, Plymouth Hill Condominiums, Apartment 810-S, 666 West Germantown Pike, Plymouth Meeting 19462, Montgomery County, Seventeenth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1987, and until his successor is appointed and qualified, vice Alfred J. D'Angelo, Gladwyne, deceased.

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

DICK THORNBURGH.

**COMMUNICATION FROM THE GOVERNOR  
TAKEN FROM THE TABLE**

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

**MEMBER OF THE PENNSYLVANIA  
DRUG, DEVICE AND COSMETIC BOARD**

June 22, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 22, 1983 for the appointment of Herbert W. Browne, Plymouth Hill Condominiums, Apartment 810-S, 666 West Germantown Pike, Plymouth Meeting 19462, Montgomery County, Seventeenth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1987, and until his successor is appointed and qualified, vice Alfred J. D'Angelo, Gladwyne, deceased.

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

DICK THORNBURGH.

**NOMINATION RETURNED TO THE GOVERNOR**

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

The motion was agreed to.

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator LOEPER,

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

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

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

September 9, 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 Dorin, 1316 Weldon Street, Montoursville 17754, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

**DICK THORNBURGH.**

**MEMBER OF THE STATE BOARD  
OF NURSE EXAMINERS**

June 24, 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 Rena Mae Lawrence, R.N., Ph.D., 48 Pilgrim Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Nurse Examiners, to serve for a term of six years and until a successor is appointed and qualified but in no event longer than six months beyond that term, vice Thelma C. Sandy, R.N., Uniontown, whose term expired.

**DICK THORNBURGH.**

**MEMBER OF THE STATE BOARD  
OF NURSE EXAMINERS**

October 4, 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 Mildred K. Fincke, R.N., 118 Elfinwild Road, Allison Park 15101, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Board of Nurse Examiners, to serve for a term of six years and until her successor is appointed and qualified, but in no event longer than six months beyond that period, vice Margaret F. Fuhs, R.N., Springfield, resigned.

**DICK THORNBURGH.**

**MEMBER OF THE STATE BOARD  
OF PODIATRY EXAMINERS**

September 19, 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 M. Ferretti, II, D.O., 237 St. Marys Drive, Erie 16509, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Podiatry Examiners, to serve for a term of four years, and until his successor shall have been appointed and qualified, vice Samuel D. Kron, M. D., Philadelphia, resigned.

**DICK THORNBURGH.**

**MEMBER OF THE SOMERSET COUNTY  
BOARD OF ASSISTANCE**

September 19, 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 Lee Allen Ripple (Democrat), 1814 Somerset Avenue, Windber 15963, Somerset County, Thirty-fifth Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Martha B. Saler, Somerset, resigned.

**DICK THORNBURGH.**

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

September 19, 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 W. Earl Dieffenderfer (Republican), R. D. 2, Box 315, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Matthew Silberman, Lewisburg, whose term expired.

**DICK THORNBURGH.**

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

September 19, 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 Raymond E. Minium, Sr. (Republican), 622 Market Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Catherine J. Fregley, Lewisburg, resigned.

**DICK THORNBURGH.**

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—47

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS

RESOLUTIONS REPORTED FROM COMMITTEE

Senator JUBELIRER, from the Committee on Rules and Executive Nominations, reported the following resolutions:

SR 82 (Pr. No. 1288)

Urging the Secretary of General Services to adopt guidelines for the use of public grounds and buildings for demonstrations.

SR 85 (Pr. No. 1349) (Amended)

Urging the Governor to declare the week of November 21, 1983 as Guion S. Bluford, Jr., Week.

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

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 CRIME VICTIM'S COMPENSATION BOARD

July 25, 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 The Reverend Doctor Thomas J. Ritter (Democrat), 325 East High Street, Philadelphia 19144, Philadelphia County, Seventh Senatorial District for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1989, and until his successor is appointed and qualified, vice Shirley T. Kravitz, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

September 8, 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 Alfred L. Huff, Deysher Road, R. D. 1201, Fleetwood 19522, Berks County, Eleventh Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice Jacob Sayshen, Kutztown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

September 8, 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 Lolly Siegel, 1120 North Broad Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice H. S. Plavner, O.D., Allentown, whose term expired.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

September 8, 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 the Reverend John K. Stoner, 3231 Tilghman Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice Frederick J. Giorgi, Esq., Temple, whose term expired.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF  
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF  
HIGHER EDUCATION

August 1, 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 Donald L. Faulkner, Esquire, Maple Avenue, Beech Creek 16822, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF  
MEDICAL EDUCATION AND LICENSURE

September 6, 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 Jeanne Wolford McKelvey, Esquire, Tall Timbers Farm, Box 15 SRN, McConnellsburg 17233, Fulton County, Thirtieth Senatorial District, for appointment as a member of the State Board of Medical Education and Licensure to serve for a term of four years and until her successor shall have been appointed and qualified, vice Herbert Goldstein, Esquire, Harrisburg, resigned.

DICK THORNBURGH.

MEMBER OF THE MILK MARKETING BOARD

September 6, 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 Paul A. O'Hop, Sr., Janette Circle, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Milk Marketing Board to serve until May 1, 1989, and until his successor shall have been appointed and qualified, vice Marianne Olson, Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES  
OF PHILADELPHIA STATE HOSPITAL

September 19, 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 Joseph B. Bloom, 611 Wadsworth Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Board of Trustees of Philadelphia State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Joseph H. Edelman, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

September 19, 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 Edward Kelley (Republican), 226 Ninth Street, Renovo 17764, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Dominic A. Zanella, Lock Haven, resigned.

DICK THORNBURGH.

MEMBER OF THE FOREST COUNTY  
BOARD OF ASSISTANCE

September 19, 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 Marlene Furnish (Republican), Box 263, Marienville 16239, Forest County, Twenty-fifth Senatorial District, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 1985, and until her successor is duly appointed and qualified, vice Robert Andrew Hauth, Tionesta, resigned.

DICK THORNBURGH.

MEMBER OF THE INDIANA COUNTY  
BOARD OF ASSISTANCE

September 19, 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 Art Lewis (Republican), 37 South Sixth Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Indiana County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Reverend Denis R. Sweeney, Blairsville, resigned.

DICK THORNBURGH.

MEMBER OF THE MERCER COUNTY  
BOARD OF ASSISTANCE

September 19, 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 Richard H. Crowley (Republican), R. D. 2, Box 2776, Mercer 16137, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Edward Raymond DeSautels, Sharon, deceased.

DICK THORNBURGH.

MEMBER OF THE PERRY COUNTY  
BOARD OF ASSISTANCE

September 19, 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 Beatrice M. Weller (Republican), 406 West Main Street, P. O. Box 445, New Bloomfield 17068, 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 Thomas Evans, Duncannon, resigned.

DICK THORNBURGH.

#### NOMINATIONS LAID ON THE TABLE

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

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

#### BILLS IN PLACE

Senator ROMANELLI presented to the Chair several bills.

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. James Fusaro, Mr. and Mrs. Edmund Radzynski, Mr. and Mrs. James Velicoff and to Janice A. Frankovich by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Albert E. Kuehn, Mr. and Mrs. George Roethlein, Mr. and Mrs. William Schaffnit, Ralph DeSanto and to Robert Heinsohn Hartley, II by Senator Early.

Congratulations of the Senate were extended to James Ferace by Senator Fumo.

Congratulations of the Senate were extended to Lieutenant Colonel Guion S. Bluford, Jr. by Senator Hankins.

Congratulations of the Senate were extended to Dr. and Mrs. Charles A. Feifer by Senator Helfrick.

Congratulations of the Senate were extended to Anna Lower by Senator Jubelirer.

Congratulations of the Senate were extended to PPG Industries of Pittsburgh by Senator Jubelirer and others.

Congratulations of the Senate were extended to Mr. Sam Spiegelford by Senator Lloyd.

Congratulations of the Senate were extended to the Citizens of the Borough of Olyphant by Senator Mellow.

Congratulations of the Senate were extended to James F. Herring, Evelyn R. Spangler and to Clarence J. Waybright by Senator Moore.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Carlson, Mr. and Mrs. William R. Lohmann, Mr. and Mrs. Ben Ostrowsky and to Mr. and Mrs. Richard W. Stempowski by Senator O'Connell.

Congratulations of the Senate were extended to Allen Products Company, Incorporated by Senator Reibman.

Congratulations of the Senate were extended to St. Michael's Church of Tresckow by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Clare Mates, Mr. and Mrs. Glenn Stewart, Mr. and Mrs. Adam Zilinski, Dr. John P. Prioletti, Mr. and Mrs. G. Leslie Gibson and to Mr. and Mrs. Carl E. Hasbach by Senator Shaffer.

Congratulations of the Senate were extended to Thomas B. George, Jr. and to Alice M. Vitzeny by Senator Shumaker.

Congratulations of the Senate were extended to Clarence and Viola Sivits by Senator Singel.

Congratulations of the Senate were extended to Mr. and Mrs. George A. Coury, Mr. and Mrs. Calvert Kapp, Mr. and Mrs. Joseph W. Rex and to The Reverend and Mrs. Orion A. Womer by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Louis DiBacco, Sr., Mr. and Mrs. H. Leslie Gray, Mr. and Mrs. Clayton W. Skiles, Sr. and to Tamara Lynne Cree by Senator Stout.

Congratulations of the Senate were extended to The Reverend Othneil R. Thompson by Senator Street.

Congratulations of the Senate were extended to William W. Cash, Sr. by Senator Williams.

Congratulations of the Senate were extended to Richard H. Crowley by Senator Wilt.

#### CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late John Charles Anderson by Senator Rocks and others.

#### BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

#### HB 256.

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

#### PETITIONS AND REMONSTRANCES

Senator ROMANELLI. Mr. President, the package of bills I introduced deal with a long overdue problem in Pennsylvania. It is something we have neglected. We have \$214 million languishing in the senior citizens account.

Mr. President, this Legislature, in its wisdom, sometime ago passed an act dealing with the Pennsylvania State lottery. It was to provide funds for the care of senior citizens and we are not doing it properly. It is very disheartening to go to a senior citizens lounge and have people say they cannot hear

what I say. When we ask them what their problem is or why they do not get a hearing aid, they say they cannot afford them. I think we should deal with that problem. That is what these two bills do.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

October 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 Robert A. Kelly, Esquire, 1461 Old Meadow Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1986, vice the Honorable Francis Barry, confirmed as Commonwealth Court Judge.

DICK THORNBURGH.

#### MEMBER OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

October 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 James Lederach, Esquire, 16 Grace Road, Scottdale 15683, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice John F. Green, Derry, resigned.

DICK THORNBURGH.

### RECALL COMMUNICATION REFERRED TO COMMITTEE

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

#### JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

October 11, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 11, 1983 for the appointment of Robert A. Kelly, Esquire, 1461 Old Meadow Road, Pittsburgh 15241, Alle-

gheny County, Thirty-seventh Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January, 1986, vice the Honorable Francis Barry, confirmed as Commonwealth Court Judge.

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

DICK THORNBURGH.

## HOUSE MESSAGES

### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 421**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

### 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.

## ANNOUNCEMENTS BY THE SECRETARY

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

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### WEDNESDAY, OCTOBER 12, 1983

10:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 389, 835, 935, 1049 and House Bill No. 1357)	Room 461, 4th Floor Conference Rm., North Wing
11:00 A.M.	Public Employee Retirement Study Commission	Room 459, 4th Floor Conference Rm., North Wing
11:00 A.M.	FINANCE (to consider Senate Bills No. 855, 1000 and House Bills No. 6, 7, 92 and 743)	Room 460, 4th Floor Conference Rm., North Wing

#### THURSDAY, OCTOBER 13, 1983

9:30 A.M.	JUDICIARY (Public Hearing to hear testimony on merit selection and Senate Bills No. 792, 831 and 947)	Senate Majority Caucus Room
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#### MONDAY, OCTOBER 17, 1983

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 457 and	Room 460, 4th Floor Conference Rm., North Wing
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PUC Regulation L830087 as  
revised by pages 6 and 8)

TUESDAY, OCTOBER 18, 1983

9:30 A.M. ENVIRONMENTAL Room 459,  
RESOURCES AND ENERGY 4th Floor  
(Public Hearing on the Conference Rm.,  
Hazardous Substance North Wing  
Transportation Board)

WEDNESDAY, OCTOBER 19, 1983

10:30 A.M. TASK FORCE on Act 195 Room 461,  
(to consider testimony 4th Floor  
on revision of Act 195) Conference Rm.,  
North Wing

12:30 P.M. CONSUMER PROTECTION Senate Majority  
AND PROFESSIONAL Caucus Room  
LICENSURE (to consider  
Senate Bill No. 987)

12:30 P.M. URBAN AFFAIRS AND Room 459,  
HOUSING (to consider 4th Floor  
Senate Bill No. 1041 Conference Rm.,  
and possible other North Wing  
legislation)

THURSDAY, OCTOBER 20, 1983

10:00 A.M. JUDICIARY (Public Court Rm., 7,  
Hearing to consider test- (en banc court  
imony on merit selection rm.) 2nd Floor  
and related matters) Old Federal  
Court House,  
9th & Chestnut  
Sts., Philadelphia

11:00 A.M. AGRICULTURE AND RURAL 2nd Floor Court-  
AFFAIRS (Public Hearing room, Montour Co.  
on Senate Bills No. 303, Courthouse, Mill  
392, 738 and House Bill and Market Sts.,  
No. 350) Danville

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

THURSDAY, NOVEMBER 3, 1983

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

THURSDAY, NOVEMBER 17, 1983

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

### ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the  
Senate do now adjourn until Wednesday, October 12, 1983, at  
12:00 Noon, Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:20 p.m., Eastern Daylight  
Saving Time.