

# COMMONWEALTH OF PENNSYLVANIA

## Legislative Journal

WEDNESDAY, OCTOBER 19, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 78

### SENATE

WEDNESDAY, October 19, 1983.

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

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

### PRAYER

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

We pray, O God, let the light of Thy divine wisdom direct the deliberations of this State Senate and shine forth in all proceedings so that the laws framed for our role in government may tend toward domestic peace and harmony among the different people and the different interests in this great Commonwealth that they may eventually result in an increase of industry and prosperity that all inhabitants may share Thy blessings resulting therefrom. 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 October 18, 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 who is the chairman of the task force on Act 195. As chairman he must be there today, and he is in the Capitol conducting public hearings. I request a legislative leave of absence for Senator Wilt who, in his capacity as Chairman of the Committee on Public Health and Welfare, is attending a seminar on mental health. I also request a legislative leave of absence for Senator Street who is making a presentation in Philadelphia on Senate Bill No. 779.

I also request a legislative leave of absence for Senator Hopper who is attending a legislative meeting outside the Capitol. I request a legislative leave of absence for Senator Rhoades. I also request a legislative leave of absence for Senator Shumaker who is in attendance at a meeting of the Committee on State Government and the Capitol Preservation Committee in the Capitol.

Senator SCANLON. Mr. President, I request legislative leaves of absence for today's Session for Senator Stout, Senator Reibman and Senator Hankins.

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

### HOUSE MESSAGE

#### 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 19, 1983

**HB 160, 1301, 1302 and 1305** — Committee on Aging and Youth.

**HB 982** — Committee on Urban Affairs and Housing.

#### 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:

October 19, 1983

Senator BELL presented to the Chair **SB 1092**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," removing limitations on the compensation of borough councilmen.

Which was committed to the Committee on LOCAL GOVERNMENT, October 19, 1983.

Senators KRATZER and WILT presented to the Chair **SB 1093**, entitled:

An Act providing for reimbursement by insurance companies and others for outpatient chemotherapy treatment.

Which was committed to the Committee on BANKING AND INSURANCE, October 19, 1983.

Senator STREET presented to the Chair **SB 1094**, entitled:

An Act amending the act of April 21, 1949 (P. L. 665, No. 155), entitled "First Class City Home Rule Act," increasing the amount of fines for ordinance violations in first class cities.

Which was committed to the Committee on LOCAL GOVERNMENT, October 19, 1983.

**RESOLUTION INTRODUCED AND REFERRED**

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

October 19, 1983

**URGING THE GOVERNOR TO APPOINT MORE  
OLDER CITIZENS TO STATE BOARDS  
AND COMMISSIONS**

Senator BELL offered the following resolution (**Senate Resolution No. 88**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, October 19, 1983.

**A RESOLUTION**

Urging the Governor to appoint more older citizens to State boards and commissions.

WHEREAS, Each year the Governor appoints many people to the various State boards and commissions; and

WHEREAS, There seems to be a fewer number of our senior citizens appointed each year; and

WHEREAS, Most of the boards and commissions call for the appointment of public members; and

WHEREAS, It would be advisable to appoint our senior citizens to these boards and commissions since they have had an opportunity to gain knowledge and experience because of their age; therefore be it

RESOLVED, That the Governor be urged to appoint more older citizens to State boards and commissions; and be it further

RESOLVED, That a copy of this resolution be forwarded to the Governor.

**1983 ANNUAL REPORT OF THE PUBLIC  
EMPLOYEE RETIREMENT COMMISSION**

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

COMMONWEALTH OF PENNSYLVANIA  
Public Employee Retirement  
Study Commission  
Harrisburg 17120

October 14, 1983

The Honorable Henry G. Hager  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol  
Harrisburg, PA 17120

Dear Senator Hager:

In compliance with Act 66 of 1981, the following annual report is presented to summarize the activity of the Public Employee Retirement Study Commission from its initial meeting on December 7, 1981, to June 30, 1983. In this organizational period, the Commission established its office, adopted by-laws, implemented procedures to provide actuarial notes for proposed public pension legislation, conducted its first annual review of the State Employees' Retirement System, the Public School Employees' Retirement System and the Pennsylvania Municipal Retirement System. The Commission also met its mandated responsibility to develop and recommend, within its first year of operation, legislation to initiate municipal pension system reform in the Commonwealth, and assumed responsibility for the admin-

istration of the municipal pension system actuarial reporting law (Act 293 of 1972) transferred from the Department of Community Affairs. The report also identifies the issues to be addressed by the Commission in the coming months and years pursuant to its duties under Act 66 of 1981, as amended.

On behalf of the Public Employee Retirement Study Commission and its staff, I am pleased to submit the first annual report of the Commission for your information. Although specific acknowledgements of assistance and cooperation given the Commission in its organizational period are included in the report, the Commission wishes to express appreciation to all persons, organizations and agencies whose assistance permitted the early and successful completion of the Commission's organizational period.

Sincerely,

GILMORE B. SEAVERS  
Chairman

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

**ANNUAL AUDIT REPORT OF THE STATE  
HIGHWAY AND BRIDGE AUTHORITY OF THE  
COMMONWEALTH OF PENNSYLVANIA**

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

THE STATE HIGHWAY AND BRIDGE AUTHORITY  
1200 Transportation and Safety Building  
Harrisburg, PA 17120

October 5, 1983

Honorable Henry G. Hager  
President Pro Tempore of the Senate  
Room 292, Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Hager:

Please find enclosed a copy of the Audit Report made by the accounting firm of Sheppard & Company, Certified Public Accountants, for the State Highway and Bridge Authority for the twelve month period ending June 30, 1983, in accordance with the Bond Resolution creating the Authority.

Very truly yours,

THOMAS D. LARSON, P.E.  
Executive Director

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

**REPORT OF THE JOINT STATE  
GOVERNMENT COMMISSION**

**SEPARATING TRANSPORTATION FROM FIXED  
UTILITY REGULATION UNDER THE PUBLIC  
UTILITY COMMISSION PURSUANT TO  
SENATE RESOLUTION NO. 35 OF 1983**

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

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

October 18, 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 Separating Trans-  
portation from Fixed Utility Regulation under the Public Utility  
Commission.

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 pro tempore. This report will be filed in  
the Library.

### BILL SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the  
presence of the Senate signed the following bill:

**SB 446.**

### GENERAL COMMUNICATION

#### DISCHARGE PETITION

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

In the Senate, October 19, 1983.

We, the Senators whose signatures are affixed hereto respect-  
fully request that the Honorable William W. Scranton, III, as  
presiding officer of the Senate of the Commonwealth of Pennsyl-  
vania, 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 nom-  
ination within 25 legislative days of its submission. If the Senate  
has not voted upon a nomination within 15 legislative days fol-  
lowing 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 nomina-  
tion 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 13,  
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:

Arthur M. Wilson	Member Washington County Board of Assistance
Edward P. Zemprelli	
Eugene F. Scanlon	
Robert J. Mellow	
Francis J. Lynch	
James E. Ross	

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

### CALENDAR

#### SPECIAL ORDER OF BUSINESS

#### SENATE RESOLUTION NO. 87, CALLED UP OUT OF ORDER

Senator JUBELIRER, without objection, called up out of  
order, as a Special Order of Business, from page 8 of the Cal-  
endar, **Senate Resolution No. 87**, entitled:

Proclaiming recognition of the award of the 1983 Nobel Peace  
Prize to Lech Walesa.

On the question,  
Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 87, ADOPTED

Senator JUBELIRER. Mr. President, I move that the  
Senate do adopt Senate Resolution No. 87.

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

#### LEGISLATIVE LEAVE CANCELLED

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

The PRESIDENT pro tempore. The record will so indicate.

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—48

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

#### NAYS—0

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

**RECESS**

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 11:30 a.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 11:30 a.m., Eastern Daylight Saving Time.

**AFTER RECESS**

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

**LEGISLATIVE LEAVE CANCELLED**

Senator JUBELIRER. Mr. President, I would like the record to note that Senator Shumaker is here and he will be voting in person. I request that his legislative leave of absence be cancelled.

The PRESIDENT pro tempore. The record will so indicate.

**LEGISLATIVE LEAVES**

Senator JUBELIRER. Mr. President, I request legislative leaves of absence for the remainder of today's Session for Senator Howard who was called to his district on legislative business and for Senator Bell who is chairing the public hearing for the Committee on Consumer Protection and Professional Licensure.

Senator SCANLON. Mr. President, I request legislative leaves of absence for Senator Stapleton and Senator O'Pake.

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

**CONSIDERATION OF CALENDAR RESUMED****SPECIAL ORDER OF BUSINESS****SENATE RESOLUTION NO. 77, CALLED UP OUT OF ORDER**

Senator JUBELIRER, without objection, called up out of order, as a Special Order of Business, from page 8 of the Calendar, **Senate Resolution No. 77**, entitled:

Requesting the Attorney General to investigate the State Athletic Commission.

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

On the question,

Will the Senate adopt the resolution?

**SENATE RESOLUTION NO. 77, ADOPTED**

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution No. 77.

On the question,

Will the Senate agree to the motion?

Senator PECORA. Mr. President, I wish to bring to the attention of the General Assembly that this resolution was introduced to create a Senate committee to investigate the accusations involved in the Athletic Commission. My resolution was amended by the Committee on Rules and Executive Nominations so the State Attorney General's Office would create an investigation. The only problem I had with the State Attorney General's Office is that it has been brought to my attention by certain people in this Commonwealth that one member of the Athletic Commission refers to the Attorney General as "his boy."

I called the Attorney General's Office over a month ago to see if he had any affiliation with this Athletic Commission member. He definitely told me he did not at that time have any affiliation with him. He only knew the person as a member of the Athletic Commission and as a Philadelphia attorney.

I have gone along with the Committee on Rules and Executive Nominations and will support Senate Resolution No. 77, as amended. I hope I am not making a mistake. I hope the statements made by Mr. James J. Binns of the Athletic Commission are untrue. I am a little dubious when I see in the Pittsburgh Press that Mr. Binns brought all the information to the news media of an investigation he requested by the Attorney General's Office. That is why this investigation was being constituted against one member of the Athletic Commission. However, Mr. Binns lives in a glass house and has ignored the accusations against him. He has ignored his own performance which gives the public a bad opinion of the Athletic Commission. He has ignored many things he has done which were improper and gave the intent of some improper procedures. That is why I have asked for this investigation. I request full support of my Senate colleagues.

**LEGISLATIVE LEAVE**

Senator ZEMPRELLI. Mr. President, I request a temporary legislative leave of absence for Senator Andrezeski who is attending to 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?

A voice vote having been taken, the question was determined in the affirmative, and the resolution was adopted.

**LEGISLATIVE LEAVE**

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Pecora who is attending to a very important legislative matter.

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 21 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 266, 281, 432 and 453 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1049 (Pr. No. 1333) — 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 certain seal requirements on certain nomination petitions.

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

Table with 4 columns of names: Andrezeski, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kratzer, Kusse, Lincoln, Lloyd, Loeper, Lynch, Mellow, Moore, Musto, O'Connell, O'Pake, Pecora, Reibman, Rhoades, Rocks, Romanelli, Ross, Scanlon, Shaffer, Shumaker, Singel, Snyder, Stapleton, Stauffer, Stout, Street, Tilghman, Wenger, Williams, Wilt, 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 said bill to the House of Representatives for concurrence.

HB 1357 (Pr. No. 1624) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), changing the date for the General primary in 1984.

Considered the third time,

On the question, Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 11, by striking out "changing the date" and inserting: further providing

Amend Title, page 1, lines 11 and 12, by striking out "in 1984"

Amend Sec. 1 (Sec. 603), page 1, line 19, by striking out "(a)"

Amend Sec. 1 (Sec. 603), page 1, line 21, by inserting a bracket before "in" where it appears the first time

Amend Sec. 1 (Sec. 603), page 2, line 2, by inserting a bracket after "April"

Amend Sec. 1 (Sec. 603), page 2, lines 7 and 8, by striking out all of said lines

Amend Sec. 2, page 2, line 9, by striking out "January 1, 1984" and inserting: immediately

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

Senator KELLEY. Mr. President, the purpose of this amendment is to make uniform the primary dates in the Commonwealth for every year we have them. As the Members know, currently, in the presidential years it is the third Tuesday in April. The purpose of this amendment would be to make the primaries uniform, both the municipal and general, and they would always be held on the third Tuesday in May. I ask for a unanimous vote of approval.

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

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

And the question recurring, Will the Senate agree to the bill on third consideration? It was agreed to.

On the question, Shall the bill pass finally?

Senator HESS. Mr. President, I understand the need for this legislation and I respect everyone's differing opinions on the date that should be used as the substitute. I am casting a "nay" vote on this particular bill because of the position of the Registrar of York County who said it would cause administrative problems, and her suggestion and recommendation had been May 1st. I want the record to show that May 1st was the date I would have approved to change.

And the question recurring, Shall the bill pass finally?

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

YEAS—48

Table with 4 columns of names: Andrezeski, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Hager, Hankins, Helfrick, Holl, Hopper, Howard, Jubelirer, Kelley, Kratzer, Kusse, Lincoln, Lloyd, Loeper, Lynch, Mellow, Moore, Musto, O'Connell, O'Pake, Pecora, Reibman, Rhoades, Rocks, Romanelli, Ross, Scanlon, Shaffer, Shumaker, Singel, Snyder, Stapleton, Stauffer, Stout, Street, Tilghman, Wenger, Williams, Wilt, Zemprelli

NAYS—1

Hess

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.

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.

BILLS ON SECOND CONSIDERATION

HB 6 (Pr. No. 409) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for the transfer of employer contributions to certain other public pension systems.

Considered the second time and agreed to,

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

HB 7 (Pr. No. 13) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), providing for credit for former employes of school districts.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 42 and 73 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 201 (Pr. No. 1388) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for safe drinking water; imposing powers and duties on the Department of Environmental Resources in relation thereto; and appropriating certain Federal funds.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AMENDED

HB 256 (Pr. No. 1792) — The Senate proceeded to consideration of the bill, entitled:

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.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator MELLOW, on behalf of Senator STAPLETON, offered the following amendment:

Amend Sec. 8, page 4, lines 2 and 3, by striking out "sale of or the" and inserting: cutting, digging, removing and

Amend Sec. 8, page 4, line 5, by inserting after "YEAR": nor shall it apply to the retail vendor of Christmas trees during the same period, provided that such retail vendor has in its possession evidence of title or lease as prescribed by section 2(2)(ii).

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

HB 258 and 327 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 373 (Pr. No. 1325) — 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 the nomination of the Lieutenant Governor.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SNYDER offered the following amendment:

Amend Sec. 1 (Sec. 902.1), page 1, line 21, by striking out "thirty (30)" and inserting: sixty (60)

Amend Sec. 1 (Sec. 902.1), page 1, line 22, by striking out "elected" and inserting: nominated

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 408, 456, 457 and HB 501 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

SB 525 (Pr. No. 1292) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 10, 1975 (P. L. 383, No. 110), entitled "Physical Therapy Practice Act," providing for the certification of athletic trainers by the State Board of Physical Therapy Examiners; creating an Athletic Trainer Advisory Committee; authorizing the setting of educational standards, certification standards and fees, for the renewal, revocation and suspension of certifications; further providing standards for the practice of physical therapy; reestablishing the State Board of Physical

Therapy Examiners; making an appropriation; and providing penalties for violations of the act.

Considered the second time and agreed to,

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

**HB 573 (Pr. No. 1121)** — The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge on L.R. 37089 in Lawrence County as the Lieutenant Colonel John B. Brettell Bridge.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**SB 791** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

#### BILL ON SECOND CONSIDERATION

**SB 835 (Pr. No. 1353)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the General State Authority and the Department of Transportation, to sell and convey to the Medical College of Pennsylvania 0.8538 acres of land, more or less, situate in the City of Philadelphia, Commonwealth of Pennsylvania.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**SB 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, HB 1004, SB 1008, 1041, 1045 and 1046** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

#### HOUSE CONCURRENT RESOLUTION NO. 58, CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, **House Concurrent Resolution No. 58**, entitled:

Memorializing the President and Congress to investigate a proposal sale of a United States steel plant to a British company.

On the question,

Will the Senate concur in the resolution?

#### SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 58

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 58.

The motion was agreed to and the resolution was concurred in.

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

#### SENATE CONCURRENT RESOLUTION NO. 74, CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, **Senate Concurrent Resolution No. 74**, entitled:

Memorializing the Immigration and Naturalization Service to select a site in Pennsylvania as the Computer Application Processing Center.

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

On the question,

Will the Senate adopt the resolution?

#### SENATE CONCURRENT RESOLUTION NO. 74, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 74.

The motion was agreed to and the resolution was adopted.

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

#### 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.

##### 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:

#### 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.

On the question,

Will the Senate advise and consent to the nomination?

Senator ZEMPRELLI. Mr. President, I would like to remind the Members of the Democratic caucus that Mr.

Alfred L. Huff was the subject matter of discussion as to his credentials and qualifications for serving in this capacity. There were Members who had expressed an intent to vote in the negative.

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—27

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

NAYS—20

Andrezeski	Lincoln	Reibman	Singel
Bodack	Lloyd	Rocks	Stapleton
Early	Mellow	Romanelli	Stout
Fumo	Musto	Ross	Williams
Hankins	O'Pake	Scanlon	Zemprelli

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:

MEMBER OF THE PENNSYLVANIA  
TURNPIKE COMMISSION

October 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 Ken Ross, 6226 Mellon Park Court, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1991, and until his successor is appointed and qualified, vice Jack I. Greenblat, Allentown, whose term expired.

DICK THORNBURGH.

On the question,  
Will the Senate advise and consent to the nomination?

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

Senator O'CONNELL. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—21

Brightbill	Holl	Loeper	Snyder
Corman	Hopper	Moore	Stauffer
Early	Howard	Pecora	Street
Hager	Jubelirer	Romanelli	Tilghman
Helfrick	Kusse	Shumaker	Wenger
Hess			

NAYS—24

Andrezeski	Kratzer	O'Pake	Shaffer
Bodack	Lincoln	Reibman	Singel
Fisher	Lloyd	Rhoades	Stapleton
Fumo	Mellow	Rocks	Stout
Greenleaf	Musto	Ross	Williams
Hankins	O'Connell	Scanlon	Zemprelli

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

RECONSIDERATION OF  
EXECUTIVE NOMINATION

NOMINATION LAID ON THE TABLE

Senator ROMANELLI. Mr. President, I move the vote by which the nominee failed confirmation be reconsidered and that the nomination be laid upon the table.

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

Senator ZEMPRELLI. Mr. President, I move the motion be bifurcated and the first issue to be submitted be the issue as to the nomination being reconsidered.

The PRESIDENT pro tempore. Senator Zemprelli has moved that the two issues be separated.

The issue before the Senate right now is whether or not the vote should be reconsidered.

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

The motion was agreed to.

The PRESIDENT pro tempore. The second motion before the Senate is whether or not the nomination should be laid upon the table.

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

Senator ZEMPRELLI. Mr. President, I would request a roll call vote.

The PRESIDENT pro tempore. A roll call vote having been requested is not debatable.

The issue before the Senate is, whether or not the reconsideration of the vote by which the nominee failed confirmation should be laid upon the table.

Senator ZEMPRELLI. Mr. President, I ask for a "no" vote.

Senator KUSSE. Mr. President, you stated the issue is whether or not. If we vote "yes," are we voting in the whether, or the not?

The PRESIDENT pro tempore. The Chair thanks the gentleman.



The issue before the Senate is whether or not the nomination should be laid upon the table? Those voting "aye" vote to lay the nomination upon the table. Those voting "no" vote for its immediate reconsideration.

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

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

#### YEAS—29

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

#### NAYS—18

Andrezeski	Lloyd	Rocks	Stapleton
Bodack	Mellow	Ross	Stout
Fumo	Musto	Scanlon	Williams
Hankins	O'Pake	Singel	Zemprelli
Lincoln	Reibman		

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

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

#### 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 ENVIRONMENTAL HEARING BOARD

October 3, 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 August 8, 1983 for the appointment of Anthony J. Mazullo, Jr., 334 East Ashland Street, Doylestown 18901, Bucks County, Tenth Senatorial District, as a member of the Environmental Hearing Board, to serve until June 20, 1985, or until his successor shall have been appointed and qualified, vice Dennis J. Harnish, Esquire, Harrisburg, resigned.

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 pro tempore. The nomination will be returned to the Governor.

#### EXECUTIVE SESSION RISES

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

The motion was agreed to.

#### UNFINISHED BUSINESS REPORTS FROM COMMITTEE

Senator O'CONNELL, from the Committee on State Government, reported the following bills:

#### SB 662 (Pr. No. 744)

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for irregular ballots.

#### HB 96 (Pr. No. 1688)

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a tract of land in Lower Yoder Township, Cambria County, acquired pursuant to the Project 70 Land Acquisition and Borrowing Act, in exchange for another tract located in the same township.

#### HB 822 (Pr. No. 1789)

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey a certain lot or tract of land situate in the City of Erie, Erie County, Pennsylvania.

#### BILL REREFERRED

Senator O'CONNELL, from the Committee on State Government, returned to the Senate SB 1081, which was referred to the Committee on Consumer Protection and Professional Licensure.

#### 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 Mrs. Marie Bevilacqua by Senator Loeper.

Congratulations of the Senate were extended to the Right Reverend Jerome Matthew Koval by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Hilovsky, Mr. and Mrs. Ralph Casbarro and to Mr. and Mrs. James W. Cooper by Senator Shaffer.

Congratulations of the Senate were extended to Joyce House by Senator Shumaker.

Congratulations of the Senate were extended to the Reverend George Johnson and the parishioners of St. John the Baptist Orthodox Church by Senator Singel.

Congratulations of the Senate were extended to Mr. and Mrs. Norman Gearhart and to St. Mary's Byzantine Catholic Church of Homer City by Senator Stapleton.

**CONDOLENCE RESOLUTION**

The PRESIDENT pro tempore 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 T. Walsh by Senator Zemprelli.

**BILLS ON FIRST CONSIDERATION**

Senator MOORE. 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 662, HB 96 and 822.**

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

**ANNOUNCEMENTS BY THE SECRETARY**

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

## SENATE OF PENNSYLVANIA

## COMMITTEE MEETINGS

THURSDAY, OCTOBER 20, 1983

10:00 A.M.	JUDICIARY (Public Hearing to consider testimony on merit selection and related matters)	Court Rm., 7, (en banc court rm.) 2nd Floor Old Federal Court House, 9th & Chestnut Sts., Philadelphia
11:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (Public Hearing on Senate Bills No. 303, 392, 738 and House Bill No. 350)	2nd Floor Courtroom, Montour Co. Courthouse, Mill and Market Sts., Danville
3:00 P.M.	Independent Regulatory Review Commission (regulations to be considered: Dept. of State, Bur. of Prof. & Occup. Affairs, Optometrical Examiners 16A-95 - Accreditation of Optometry Schools; PennDOT 18-167 - Emission Inspection Program; Dept. of Revenue 15-121 - "Holiday Greetings" Instant Lottery Game; Dept. of Revenue 15-122 - PA "Joker's Wild" Instant Lottery Game;	Heritage Rm. A, 333 Market St.

PennDOT 18-155 - Driver's License Examination;  
PennDOT 18-158 - Hazardous Substances;  
PennDOT 18-164 - Retention of Records;  
Dept. of State Registration Board for Professional Engineers 16A-93 - Professional Engineers Registration Law)

TUESDAY, OCTOBER 25, 1983

11:00 A.M.	FINANCE (to consider Senate Bill No. 855; House Bills No. 92, 129, 533 and 743)	Room 460, 4th Floor Conference Rm., North Wing
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WEDNESDAY, OCTOBER 26, 1983

1:00 P.M.	JUDICIARY (Public Hearing to hear testimony with respect to merit selection. (Senate Bills No. 792, 831 and 947))	Senate Majority Caucus Room
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THURSDAY, NOVEMBER 3, 1983

3:00 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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WEDNESDAY, NOVEMBER 9, 1983

11:00 A.M.	Public Employee Retirement Study Commission	Room 459, 4th Floor Conference Rm., North Wing
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THURSDAY, NOVEMBER 17, 1983

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

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Monday, October 24, 1983, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 1:15 p.m., Eastern Daylight Saving Time.