

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, OCTOBER 24, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 79

SENATE

MONDAY, October 24, 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 Chaplain, Fr. JOHN A. ACRI, Pastor of St. Francis of Assisi Church, Harrisburg, offered the following prayer:

O God our Father Yahweh, You have given us a prime example of the great legislation that You have revealed to us down through the eons of time. As we humans try to imitate Your justice and sensitivity, we ask You, especially today, to send Your spirit of judgment and counsel upon these our Legislators.

All laws are ordinances of reason and so we ask that they be reasonable, just and open and that You will show them the way to best serve Your people. It is very delicate, yet important, what they do here. They are open to You and they ask us all to pray for them in this moment. So we ask again for Your guidance and peace that they have understanding and wisdom and counsel now and forever. Amen.

The PRESIDENT. The Chair thanks Father Acri who is the guest this week of Senator Shumaker.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 19, 1983.

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

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, I request a temporary legislative leave of absence for today's Session for Senator Kusse. I understand Senator Kusse will be able to participate in some of the roll calls but, due to a meeting here in the Capitol, he will have to leave the floor for others.

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

Senator Lynch. I also request a temporary legislative leave of absence until later in the afternoon for Senator Rocks.

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

LEAVE OF ABSENCE

Senator SCANLON asked and obtained leave of absence for Senator LEWIS, for Monday and Tuesday, for personal reasons.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 280, 522 and 867.

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:

MEMBER OF THE BOARD OF TRUSTEES OF EMBREEVILLE STATE HOSPITAL

October 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 Frances M. Herndon, 18 Coniston Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Embreeville State Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Bernice Bernatz, West Chester, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF THE WESTERN YOUTH DEVELOPMENT CENTERS

October 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 Patricia Weber, R. D. 1, Box 299A, Clinton 15026, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Board of Trustees of The Western Youth Development Centers, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice Hannah Schmidt, Pittsburgh, resigned.

DICK THORNBURGH.

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

October 20, 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 Bernard J. Carozza, 1 Elgin Circle, Newtown Square 19073, Delaware County, Ninth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Charles J. Kenkelen, Philadelphia, resigned.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
EASTERN STATE SCHOOL AND HOSPITAL**

October 21, 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 Jane D. Eves, Pine Run Road, R. D. 1, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Victor S. Jaczun, Perkasio, deceased.

DICK THORNBURGH.

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

October 21, 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 Honorable Murray G. Dickman, 1074-7 Lancaster Boulevard, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve until September 26, 1986, vice Milton Melman, Harrisburg, resigned.

DICK THORNBURGH.

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

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

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

October 20, 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 29, 1983 for the appointment of Richard A. Longo, R.N., 213 Bellwood Court, Mars 16046, Butler County, Twenty-first Senatorial District, as a member of the State Board of Nurse Examiners, to serve for a term of six years and until his successor is appointed and qualified, but in no event longer than six months beyond that period, vice Jean A. Williams, R.N., Pittsburgh, whose term expired.

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

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
THE WESTERN YOUTH DEVELOPMENT CENTERS**

October 20, 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 19, 1983 for the appointment of Patricia Weber, R. D. 1, Box 299A, Clinton 15026, Allegheny County, Forty-second Senatorial District, as a member of the Board of Trustees of The Western Youth Development Centers, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified, vice Hannah Schmidt, Pittsburgh, resigned.

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

DICK THORNBURGH.

**MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE**

October 20, 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 September 19, 1983 for the appointment of Wrayburn A. Weimer, Jr. (Republican), Fishing Creek Road, Roulette 16746, Potter County, Twenty-fifth Senatorial District, as a member of the Potter County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Donald M. Freeman, Ulysses, deceased.

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

DICK THORNBURGH.

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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

nor of the Commonwealth, which were read as follows, and laid on the table:

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

October 20, 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 September 19, 1983 for the appointment of John Edward Kelley (Republican), 226 Ninth Street, Renovo 17764, Clinton County, Thirty-fourth Senatorial District, 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.

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

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
EASTERN STATE SCHOOL AND HOSPITAL

October 21, 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 July 5, 1983 for the appointment of Jane D. Eves, Pine Run Road, R. D. 1, Doylestown 18901, Bucks County, Tenth Senatorial District, as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Victor S. Jaczun, Perkasio, deceased.

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

DICK THORNBURGH.

MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD

October 21, 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 July 5, 1983 for the appointment of the Honorable Murray G. Dickman, 1074-7 Lancaster Boulevard, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the State Employees' Retirement Board, to serve until September 26, 1986, vice Milton Melman, Harrisburg, resigned.

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

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 21, 1983

HB 163 — Committee on Local Government.

HB 866 and **1310** — Committee on Finance.

October 24, 1983

HB 793 — Committee on Transportation.

HB 1208 — Committee on Finance.

HB 1342 — Committee on Local Government.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 279** and **632**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **House Concurrent Resolution No. 53**.

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 21, 1983

Senators O'CONNELL, HELFRICK and REIBMAN presented to the Chair **SB 1095**, entitled:

An Act amending the act of July 11, 1983 (No. 2A) entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1983 to June 30, 1984, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1983;....," providing additional funds for the Scranton State School for the Deaf.

Which was committed to the Committee on APPROPRIATIONS, October 21, 1983.

Senators SNYDER, KUSSE, REIBMAN, BRIGHTBILL, WENGER, O'CONNELL, SHAFFER, FISHER and HELFRICK presented to the Chair **SB 1096**, entitled:

An Act requiring the filing of municipal ordinances in certain municipal offices or in the county law library or courthouse.

Which was committed to the Committee on LOCAL GOVERNMENT, October 21, 1983.

Senator KRATZER presented to the Chair **SB 1097**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for points and approved driver improvement schools.

Which was committed to the Committee on TRANSPORTATION, October 21, 1983.

Senators ROCKS, O'PAKE, FUMO, EARLY and HELFRICK presented to the Chair **SB 1098**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," authorizing public assistance payments on account of or on behalf of unborn children.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 21, 1983.

Senators MUSTO and MELLOW presented to the Chair **SB 1099**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the voluntary fingerprinting of certain school children.

Which was committed to the Committee on EDUCATION, October 21, 1983.

Senators JUBELIRER, STAUFFER, FISHER, MOORE, TILGHMAN, HOWARD and SHUMAKER presented to the Chair **SB 1100**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for selection of justices of the Supreme Court and judges of the Superior and Commonwealth Courts; and changing and adding other provisions relating to the Judiciary.

Which was committed to the Committee on JUDICIARY, October 21, 1983.

Senators ZEMPRELLI, PECORA and EARLY presented to the Chair **SB 1101**, entitled:

An Act providing for the observance of December 7 of each year as Pearl Harbor Remembrance Day.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, October 21, 1983.

Senators O'CONNELL, HELFRICK, BELL, KELLEY and BRIGHTBILL presented to the Chair **SB 1102**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for after-the-fact payrolls.

Which was committed to the Committee on STATE GOVERNMENT, October 21, 1983.

Senators FISHER, HOWARD, BRIGHTBILL, MELLOW, ANDREZESKI, STAPLETON, REIBMAN, SHAFFER and HESS presented to the Chair **SB 1103**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of rape.

Which was committed to the Committee on JUDICIARY, October 21, 1983.

ANNUAL REPORT HEALTH CARE FACILITIES ACT

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

COMMONWEALTH OF PENNSYLVANIA Department of Health Harrisburg

October 13, 1983

The Honorable Henry G. Hager
Senate Pro Tempore
Room 292 Capitol
Harrisburg, PA 17120

Dear Senator Hager:

As I indicated in my letter dated September 19, 1983, with which I submitted the Department's licensure portion of the "Report to the General Assembly," I am herewith submitting a similar report on our Certificate of Need activities. This report is in satisfaction of the requirements of Section 711 of the Health Care Facilities Act (Act 136).

If you would like additional or clarifying information on any items contained in the attached document, please feel free to contact Ms. Jennifer Riseon, Deputy Secretary for Planning and Quality Assurance directly (783-1078).

Sincerely,

H. ARNOLD MULLER, M.D.
Secretary

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

BILL SIGNED

The PRESIDENT (Lieutenant Governor William W. Scranton III) in the presence of the Senate signed the following bill:

HB 52.

REPORTS FROM COMMITTEES

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

SB 907 (Pr. No. 1083)

An Act repealing a part of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, relating to limitations on certain awards for damages.

Senator SNYDER, from the Committee on Judiciary, reported the following bill:

SB 994 (Pr. No. 1411) (Amended)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the operation of watercraft while under the influence of alcohol or a controlled substance; providing for testing apparatus, procedures and personnel; and providing for the crime of homicide by watercraft.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, October 24, 1983.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 14, 1983 unless sooner recalled by the President Pro

Tempore and when the House of Representatives adjourns this week it reconvene on Monday, November 14, 1983 unless sooner recalled by the Speaker.

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

CALENDAR

SPECIAL ORDER OF BUSINESS

SB 835 CALLED UP OUT OF ORDER

SB 835 (Pr. No. 1353) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

GUESTS OF SENATOR JAMES R. LLOYD PRESENTED TO SENATE

Senator LLOYD. Mr. President, I would like to introduce two guests to the Senate of Pennsylvania today. They are two young men who are State officers in the Future Homemakers

of America and have visited the General Assembly today to see our operation and the kind of work we do here. Joe McMonagle and John Halechko are in the gallery at this time. I ask the Senate to give them its traditional warm greeting for these two fine young men.

The PRESIDENT. Will the gentlemen please rise so the Senate may give you its traditional warm welcome?
(Applause.)

MOMENT OF SILENCE OBSERVED BY SENATE IN HONOR OF U.S. MARINES IN LEBANON

Senator JUBELIRER. Mr. President, I have a request from the gentleman from Delaware, Senator Bell, that I think is most appropriate. I think it is one that deserves our very serious attention. I concur with the Chair and ask the Members to take their seats for a special request by the gentleman at this time.

If I may, Mr. President, I ask the Chair to recognize him now.

Senator BELL. Mr. President, may we have a moment of silence to pay our respects to the United States Marines who lost their lives and were wounded in Lebanon yesterday.

The PRESIDENT. At the request of Senator Bell, the Senate will observe a moment of silence in honor of the Marines who were casualties in Lebanon yesterday.

(Whereupon the Senate en banc stood in a moment of silence in solemn respect to the United States Marines killed and wounded in Lebanon.)

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate. First of all, I ask the Members of the Committee on Rules and Executive Nominations to report immediately to the Rules Committee room at the rear of the Senate Chamber for a very brief meeting. Immediately following that meeting, I ask the Members of the Committee on Appropriations to report to the fourth floor meeting room where the gentleman from Montgomery, Senator Tilghman, has scheduled a meeting. I gather that that, too, will be a brief meeting. Mr. President, I have been advised by the Chairman of the Committee on Banking and Insurance, Senator Holl, that he has also scheduled a brief meeting. I ask the Republican Members of the Senate to report promptly to caucus at 3:00 p.m. We expect to be back on the floor somewhere between 4:00 p.m. and 4:30 p.m. to deal with the rest of today's Calendar.

Senator SCANLON. Mr. President, I request the Members of the Democratic caucus who are on the Committee of Rules and Executive Nominations, the Committee on Appropriations, and the Committee on Banking and Insurance to report as directed by the gentleman from Blair, Senator Jubelirer. Our caucus will commence promptly at 3:00 p.m. in the Minority caucus room.

The PRESIDENT. The meetings of the Committee on Appropriations and the Committee on Rules and Executive Nominations will be followed by a meeting of the Committee on Banking and Insurance, and those will be followed by Republican and Democratic caucuses at 3:00 p.m. For the purpose of those meetings, 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.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 21 (Pr. No. 1376) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring certain passenger restraint systems.

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

MOTION TO SUSPEND RULES

Senator EARLY. Mr. President, I rise to make a motion to suspend the Rules for the purpose of offering an amendment to House amendments to Senate Bill No. 21.

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

Senator JUBELIRER. Mr. President, it is not my intention to debate the motion except to say we regretfully oppose the motion of the gentleman from Allegheny, Senator Early, and suggest there was time for this last week. We request a "no" vote on his motion.

Senator EARLY. Mr. President, I request a roll call vote on the motion to suspend the Rules.

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

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

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

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

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 EARLY and were as follows, viz:

YEAS—20

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

NAYS—29

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

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

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

LEGISLATIVE LEAVE CANCELLED

Senator JUBELIRER. Mr. President, I would like to cancel the legislative leave of absence for Senator Kusse who will be here for the remainder of today's Session.

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 Loeper and Senator Howard who have been called from the floor and are on legislative business in their districts.

Senator ZEMPRELLI. I request a temporary legislative leave of absence for Senator Williams who had to leave the floor for legislative business.

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

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

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 21.

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

Senator EARLY. Mr. President, I rise to oppose the motion that the Senate should concur in the House amendments to Senate Bill No. 21.

I would like to make it perfectly clear that my intention is not to kill the bill or to weaken the bill but to make the bill stronger. The day would never come when I would get on the floor and argue for any proposal that would do anything to jeopardize the safety of our highways. I am opposing this for the sake of 9,000 children who will be involved in automobile accidents next year and the following year. The House has amended the bill to make the effective date January 1, 1985 for that particular provision of the penalty.

Mr. President, if we recall, it was the amendment I had offered to put the \$50 penalty into the legislation and I have to

say it was a very happy day. At the time the vote was taken it was basically Republicans against the amendment and Democrats for the amendment. It was the Lieutenant Governor who did cast the deciding vote in favor of the amendment, which made me extremely happy. He indicated he did so because he, too, has children and it is an issue that he was quite concerned about.

Mr. President, the amendment I am against and the reason I am asking for nonconcurrency is the amendment that specifically states the effective date would not be until January 1, 1985. There is no reason for us to jeopardize the lives of 9,000 children that are going to be involved in an automobile accident throughout the year of 1984.

No one will have to pay the \$25 fine if they would go out and purchase this seat. I indicated that would happen even after they are caught with a child in the automobile between the ages of one and four. Even after they are caught they will have the opportunity of presenting to the judge a receipt showing they purchased a child restraint seat. When they show evidence they have purchased that, the judge will then have the opportunity to forego any fine. The legislation as it is, is excellent. It is a far cry from what we have at the present time. We need just a little bit more, Mr. President.

I recall the conversation I had with the gentleman from Montgomery, Senator Holl, when I told the gentleman I wanted to amend Senate Bill No. 21. He said if I amended the bill in any way I would kill the bill. With that amendment we did not kill the bill. With that amendment we made an excellent piece of legislation. With the amendments the House put in, I have to say, they, too, have improved on the legislation. Mr. President, we are almost home. We are almost there. I am concerned. Many of my colleagues have said, "Senator, we would like to give you a vote but we are concerned how the news media is going to treat this." Is the news media going to say that if we vote to nonconcur we are against highway safety? I would like to guarantee the Members that is not going to happen, but I cannot guarantee them that is not going to happen. I can only try to make my point as best I can.

Mr. President, I do this not for my sake or for the sake of my children—the youngest is nineteen—and I do not do it for anything that I want personally. I do this because I am concerned about the 9,000 children that will be involved in an accident. If we could save the life of just one child, then it is certainly worth the effort.

Mr. President, I was asked if we vote to nonconcur, then when would this take place? We are going out of Session. It could take place very quickly. We could get a Committee of Conference going. We could vote this legislation very quickly, but perhaps not this week. The effective date, as it is at the present time, is not until 1985. I feel I have not done an adequate job for the children we all know are going to be involved in an accident and I do not know what more I can say. I would appreciate it if the Members would just give me an opportunity, just one more chance to go to a Committee of Conference. My only purpose in having it go to a Committee

of Conference would be to put the amendment in to say, "January 1, 1984." I would discourage the conferees from making any additional amendments. We can do that with other pieces of legislation. I am saying I would discourage that because I am sincerely trying to get the Members to give me the opportunity to make the bill just a little bit better.

Senator BELL. Mr. President, I listened to the plea of the gentleman from Allegheny, Senator Early. The only trouble is he tried to make a political football out of this situation.

Mr. President, I have in my hands a letter from the Pennsylvania Medical Society, which all of the Members should have received this afternoon. It referred to this bill and states that the mandatory child passenger restraint legislation was amended and then passed overwhelmingly by the House. The Pennsylvania Medical Society supported the adoption of these amendments in the House and asked the Members of the Senate to vote for concurrence. In the last paragraph, the letter tells us, "This bill could be much more restrictive, but in this form Senate Bill No. 21 is a realistic proposal which will save children's lives. Please support concurrence in the House amendments."

I submit, my fellow Senators, although I do not think this bill goes far enough, it is the bill in front of us and we can pass it today. It can go to the Governor today. I support the position of the Pennsylvania Medical Society who have to handle the battered children when they are reaching the hospitals because they have not been in these seat belts.

Senator EARLY. Mr. President, I agree with the gentleman from Delaware, Senator Bell. I, too, have the same letter. I emphasize—you can put the emphasis wherever you like reading the same words and I will read the same words, "This bill could be much more restrictive...."

Mr. President, they are not saying they are happy with the legislation as it is written. I am not disappointed in the legislation as it is written. It is a much better piece of legislation than was first introduced, but, again, I am pleading with my colleagues to give us one more chance to change the effective date.

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—46

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

NAYS—3

Early O'Connell Snyder

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

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

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 6 and 7 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 3, by striking out "Federal"

Amend Table of Contents, page 1, line 18, by striking out "Fund" and inserting: Account

Amend Sec. 14, page 19, line 4, by striking out "Fund" and inserting: Account

Amend Sec. 14, page 19, line 7, by striking out "in a special fund" and inserting: into a special restricted receipt account in the General Fund

Amend Sec. 14, page 19, line 8, by striking out "Fund" and inserting: Account

Amend Sec. 14, page 19, line 10, by removing the period after "water" and inserting: and which funds are hereby appropriated to the department for such purposes as are authorized in this act.

On the question,

Will the Senate agree to the amendment?

Senator JUBELIRER. Mr. President, the amendment takes the special fund which is incorporated in the bill of the lady from Northampton, Senator Reibman, for the drinking water fund and takes it to a restrictive receipt account within the Department of Environmental Resources. Basically, instead of having a special fund, this changes it to let the Department of Environmental Resources administer it.

Senator ZEMPRELLI. Mr. President, before asking the gentleman any questions, I believe the gentleman has made a misstatement. It is my understanding the impact of the amendment is, instead of having the interest earned by the use of special funds returned to the department from which the funds were earned, it would eventually go to the General Fund which, in effect, would be a diversion of the funds. If that is what the effect of the amendment is, and the gentleman would so concede, I would argue against it simply because it would mean the incentive that exists for departments to use good practices and prudence in the investment of funds would be

destroyed because the benefits of the interest earned from that prudent use of funds and investment thereof would be going into the General Fund where it would be diffused and of little consequence to the person that created the fund. It is also my understanding we are not talking about any monstrous sums of money. We are usually talking in terms of small amounts of money. I think it is rather creative and gives the particular persons in charge some incentive to want to derive the greatest benefit possible and that is to allow the funds that are, in fact, income through earnings, to remain a part of the department in which they were created.

Mr. President, it is my understanding this is a salient consideration of the gentleman's amendment. As he explained them, it did not appear that was what his understanding was. If that is not the case, I ask the gentleman if he would please amplify on what he has previously stated.

Senator JUBELIRER. Mr. President, I agree with the interpretation of the gentleman. I left that part out. However, I call to the gentleman's attention that he just voted for a bill that did precisely the same thing. The reason was because the fund was so small that it cannot be invested, but Senate Bill No. 21 does precisely the same thing. It is the same language and what we have done is do the same thing with the Safe Drinking Water Act. Again, because the amount would be so small, it could not be invested in any meaningful manner. That is the reason it goes to the General Fund. That is the reason for our amendment and the reason we suggest DER administer it rather than a special fund.

Senator ZEMPRELLI. Mr. President, I wish to assure the gentleman that if I did such, I did it through inadvertence. It would never be my intent to allow monies of this kind to go to a different fund. Again I state it should be some incentive to the department to use good business judgment and prudence in trying to derive the greatest return law would permit of the investment of public funds and to have those funds be usable by the very department that created them. I do not think in either situation there is an abundance of funds. I think as much as there is in this program dealing with primacy, every nickel they could derive could be put to very good use. Therefore, we may agree on what happens here, but we conclude differently. I ask after we have concluded the business on this particular bill that the bill which passed that created the ability to transfer funds to the General Fund from earned income also be reconsidered so I may properly be registered consistent with what my philosophy is and also in keeping with the dissertation I have made here.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—29

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

Helfrick

NAYS—20

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

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

The PRESIDENT pro tempore. Senate Bill No. 201 will go over, as amended.

BILL OVER IN ORDER

SB 266 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 281 (Pr. No. 300) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the board to conduct special sales.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'CONNELL, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 207), page 2, line 14, by inserting after "states": , or except where the board, in its discretion, determines that adjustments in prices anywhere in this Commonwealth should be made

On the question,

Will the Senate agree to the amendment?

Senator O'CONNELL. Mr. President, I had intended to offer several amendments but I have withdrawn them. At this time I would like to offer an amendment for the consideration of the Senate. This amendment purports that the board will have discretion to determine an adjustment in prices anywhere in the Commonwealth. The bill was originally drafted and specifically targeted to just the border areas. This expands it to give the board that discretion anywhere in the Commonwealth and I request favorable consideration.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator O'CONNELL 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	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lincoln	Rocks	Tilghman
Greenleaf	Lloyd	Romanelli	Wenger
Hager	Loeper	Ross	Williams
Hankins	Lynch	Scanlon	Wilt

Helfrick

Mellow

Shaffer

Zemprelli

NAYS—1

Kelley

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

The PRESIDENT pro tempore. Senate Bill No. 281 will go over, as amended.

BILL OVER IN ORDER

SB 432 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 453 (Pr. No. 493) — 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 assistance in voting.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

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

BILL OVER IN ORDER

HB 573 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

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

SB 73 (Pr. No. 1383) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding provisions relating to operation of and safety requirements for frozen dessert trucks; and providing penalties.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 96 and 256 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 258 (Pr. No. 2003) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for computer-related offenses.

The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator JUBELIRER offered the following amendment:

Amend Sec. 1 (Sec. 3933), page 2, line 12, by striking out “approach,”

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 JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 327 (Pr. No. 1690) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the “Pennsylvania Minority Business Development Authority Act,” approved July 22, 1974 (P. L. 598, No. 206), authorizing proxies of legislative and cabinet members to vote on certain matters before the board of directors.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL ON SECOND CONSIDERATION
AND LAID ON THE TABLE

SB 373 (Pr. No. 1401) — 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.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator JUBELIRER, and agreed to, the bill just considered was laid on the table.

BILLS OVER IN ORDER

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

BILL ON SECOND CONSIDERATION

SB 457 (Pr. No. 1382) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the enforcement of automobile warranties; and imposing rights and liabilities on consumers and automobile manufacturers and dealers.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 501 and SB 662 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 791 (Pr. No. 920) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the assignment of three points for failing to stop at a red light before turning into an intersection where turn-on-red is permitted.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 822 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 884 (Pr. No. 1300) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled “The First Class Township Code,” eliminating mandatory retirement.

The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator CORMAN offered the following amendment:

Amend Title, page 1, line 4, by inserting after “eliminating”: certain

Amend Sec. 1 (Sec. 644), page 2, line 12, by striking out the bracket before “such”

Amend Sec. 1 (Sec. 644), page 2, line 16, by inserting brackets before and after “is eligible for retirement” and inserting immediately thereafter: exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the “Pennsylvania Human Relations Act”

Amend Sec. 1 (Sec. 644), page 2, line 20, by striking out the bracket after "then"

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

Senator EARLY offered the following amendment:

Amend Title, page 1, line 5, by removing the period and inserting: ; and further providing for the powers of the board of township commissioners.

Amend Bill, page 2, by inserting between lines 27 and 28:

Section 2. Section 1502 of the act is amended by adding a clause to read:

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

XXVII.I. Senior Citizens Rate Schedule. To establish different rate schedules for collection fees which will reflect a lowering of the fees charged to any individual who is sixty-five years of age or older.

Amend Sec. 2, page 2, line 28, by striking out "2" and inserting: 3

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

Senator EARLY. Mr. President, the amendment is one that is very elementary. It is one that does not take a great deal of discussion. I am hoping I am a little more successful in this amendment than I was the last time I came to the microphone.

What I am doing with this particular amendment, Mr. President, is giving the commissioners an opportunity to give the senior citizens a differential in their various fees that they collect. The one that comes to mind is garbage collection. I disagree, but I have been told by the commissioners of the first class townships that they cannot give those over sixty-five a different rate in garbage collection. This particular amendment would take care of any misapprehension on their part. This would enable them, without any doubt, to give those over sixty-five a different rate for garbage collection or any fees that they would happen to collect.

Senator JUBELIRER. Mr. President, the reason the gentleman from Allegheny, Senator Early, offers the amendment is certainly very meritorious and, I think, it certainly could be emotionally argued as being worthwhile. It is very difficult for me to oppose the amendment, but I must. I think it confuses the issue which the gentleman from Centre, Senator Corman, is trying to reach. I think certainly this General Assembly in the past and as it works on matters now, is well and determined that our senior citizens surely shall receive more benefits from the Lottery Fund.

I do not think, Mr. President, this is an appropriate place for this amendment in the bills offered by the gentleman from Centre, Senator Corman. For that reason and that reason only, I regretfully have to ask for a "no" vote.

Senator EARLY. Mr. President, I can understand the reluctance of the gentleman in opposing this amendment but I find it very difficult to do so. The gentleman did indicate this is not the proper place. Mr. President, this is the only place because we are talking about the first class township code. To amend the first class township code, it has to be now. The argument that it is not the proper place is not a valid argument. It is not only the proper place, it is the only place.

Mr. President, yes, I think a "no" vote on this particular amendment would be very courageous because we would be voting against giving the senior citizens an opportunity of having a reduced rate for not only garbage collection—that is the big one, and I use that in my argument because that is the main one—but also for any fees that are collected by first class townships.

Senator KUSSE. Mr. President, I hate to vote against this, too, especially since I am already sixty-five, but I am afraid I have to.

Senator JUBELIRER. Mr. President, just another point or two and then I will not belabor it any more. I think we have to recognize it is very difficult. The gentleman from Allegheny, Senator Early, is right when he says it depends on how we want to interpret it. I think there are people who are under sixty-five who are certainly going to have to bear the brunt of this because the fees are going to have to go up for them. I think the other thing is, Mr. President, there are people, shall we say like the previous speaker, who are extremely well-to-do and who certainly do not need that kind of financial aid. I think to do this in this kind of a manner is really not fair. It becomes an emotional issue and political issue, I am sure. Whether it is a fair issue or not, I think, is something else. I would just have to reiterate I think this is not the place for such an amendment.

Senator O'CONNELL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Early.

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

Senator EARLY. I will, Mr. President.

Senator O'CONNELL. Mr. President, what would the estimated cost be in this particular situation?

Senator EARLY. Mr. President, there is no way of determining that because the amendment does not specifically say the township commissioners have to do this. It basically indicates they would be able to. Some township commissioners indicate they can do it now. Perhaps some are already doing it. Some have indicated it is no problem, and they can give a different rate for senior citizens. All this amendment does is clarify that if they want to and they are under the assumption that they cannot, this would give them the authority to have the opportunity to do it. Mr. President, to answer that question I would have to poll all the townships and find out, first, if they want to do it and, second, how many are in their township. It would be an impossibility to come up with that figure.

Senator O'CONNELL. Mr. President, I would expect that because the gentleman certainly does not have that knowledge, it would be a very difficult task to administer. The

administrative cost would be excessive. It would probably require those who were dealing with it to issue a stamp or some identification mark on their house or curbstone or in some other area. It would cause a host of difficulties to the local municipality. It is my judgment that if the gentleman is truly interested in this he ought to make a survey, decide the cost and then, perhaps, the gentleman could introduce legislation appropriating that amount of money to those local municipalities for the amount of money they are going to lose as a result of them being compelled.

I understand the gentleman is saying it is a maze, but when this Body in its wisdom, and if the House should concur, decides there should be a lesser fee, those local township and municipal officials can hardly stand the heat. They will be getting pressed very hard to make that kind of an adjustment and then that burden would be spread upon a lot of people who are now struggling to meet that obligation. I do not really believe it is a crime to vote against this amendment. I do not really believe the senior citizens support this kind of nonsense.

Senator EARLY. Mr. President, I would just like to clarify a statement the gentleman made. I just want to point out to the gentleman that he indicated perhaps they will have to have a sign at their curbstone. That would not be necessary because fees would be collected and they are sent a bill. The individuals who are over sixty-five would establish that, and they would be charged accordingly, so that would not be necessary. I request a roll call vote, Mr. President.

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

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

YEAS—19

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

NAYS—30

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

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

The PRESIDENT pro tempore. Senate Bill No. 884 will go over, as amended.

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I request a temporary legislative leave of absence on behalf of Senator Ross who had to leave for legislative purposes.

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

SECOND CONSIDERATION CALENDAR RESUMED BILLS ON SECOND CONSIDERATION AMENDED

SB 885 (Pr. No. 1301) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 15, 1951 (P. L. 586, No. 144), entitled "An act regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 5, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 3), page 1, line 19, by striking out the bracket before "such"

Amend Sec. 1 (Sec. 3), page 2, lines 4 and 5, by inserting a bracket before "is" in line 4, and after "over" in line 5, and inserting immediately thereafter: exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 3), page 2, line 9, by striking out the bracket after "then"

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 CORMAN.

SB 886 (Pr. No. 1302) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1945 (P. L. 1232, No. 427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class;....," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 11, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 20), page 2, line 22, by striking out the bracket before "such"

Amend Sec. 1 (Sec. 20), page 2, lines 26 and 27, by inserting brackets before and after "is sixty-five years of age or over" and inserting immediately thereafter: exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 20), page 2, line 30, by striking out the bracket after "then"

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 CORMAN.

SB 887 (Pr. No. 1303) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1941 (P. L. 84, No. 45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members;....," eliminating mandatory retirement.

The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator CORMAN offered the following amendment:

Amend Title, page 1, line 11, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 20), page 2, line 24, by striking out the bracket before "such"

Amend Sec. 1 (Sec. 20), page 2, lines 28 and 29, by inserting brackets before and after "is sixty-five years of age or over" and inserting immediately thereafter: exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 20), page 3, line 3, by striking out the bracket after "then"

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 CORMAN.

SB 888 (Pr. No. 1304) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1933 (P. L. 1108, No. 272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class;....," eliminating mandatory retirement.

The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator CORMAN offered the following amendment:

Amend Title, page 1, line 8, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 11), page 2, line 4, by striking out the bracket before "First"

Amend Sec. 1 (Sec. 11), page 2, line 8, by inserting after "service": if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 11), page 2, line 14, by striking out "] The"

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 CORMAN.

SB 889 (Pr. No. 1305) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 27, 1939 (P. L. 1207, No. 405), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal, and reinstatement of employes (except chiefs and chief clerks) in bureaus of fire and fire alarm operators and fire box inspectors in bureaus of electricity, in cities of the second class;....," eliminating mandatory retirement.

The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator CORMAN offered the following amendment:

Amend Title, page 1, line 9, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 7), page 2, line 7, by striking out the bracket before "First:"

Amend Sec. 1 (Sec. 7), page 2, line 11, by bracketing out the period after "service" and inserting immediately thereafter: if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 7), page 2, line 17, by striking out "] The"

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 CORMAN.

SB 890 (Pr. No. 1306) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 10, 1951 (P. L. 1189, No. 265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class;....," eliminating mandatory retirement.

The bill was considered.

On the question,
Will the Senate agree to the bill on second consideration?
Senator CORMAN offered the following amendment:

Amend Title, page 1, line 8, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 9), page 2, line 1, by striking out the bracket before "the"

Amend Sec. 1 (Sec. 9), page 2, line 6, by inserting after "service": if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 9), page 2, line 11, by striking out the bracket after "then"

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 CORMAN.

SB 891 (Pr. No. 1047) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1907 (P. L. 206, No. 167), entitled "An act to regulate and improve the civil service of the cities of the second class in the Commonwealth of Pennsylvania;....," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 5, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 20.1), page 2, line 1, by striking out the bracket before "First."

Amend Sec. 1 (Sec. 20.1), page 2, line 4, by inserting after "service": if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 20.1), page 2, line 9, by striking out "The"

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 CORMAN.

SB 892 (Pr. No. 1307) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1974 (P. L. 296, No. 94), entitled "An act providing for the appointment, promotion, reduction in rank, suspension, furlough, discharge and reinstatement of deputy sheriffs in counties of the second class;....," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 6, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 11), page 1, line 19, by striking out the bracket before "then"

Amend Sec. 1 (Sec. 11), page 2, line 5, by inserting a bracket before "reached"

Amend Sec. 1 (Sec. 11), page 2, line 6, by inserting a bracket after "over" and inserting immediately thereafter: his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 11), page 2, line 10, by striking out the bracket after "pension"

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 CORMAN.

SB 893 (Pr. No. 1049) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 4, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 4342), page 1, line 15, by striking out the bracket before "retired"

Amend Sec. 1 (Sec. 4342), page 1, lines 15 and 16, by striking out "'] eligible for retirement"

Amend Sec. 1 (Sec. 4342), page 1, line 16, by inserting after "service": if his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act,"

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 CORMAN.

SB 894 (Pr. No. 1308) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1915 (P. L. 596, No. 259), entitled "Second Class City Employee Pension Law," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 4, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 3), page 1, line 15, by striking out the bracket before "retired"

Amend Sec. 1 (Sec. 3), page 1, line 15, by striking out "'] eligible for retirement"

Amend Sec. 1 (Sec. 3), page 1, line 16, by bracketing out the comma after "service" and inserting immediately thereafter: if his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act,"

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 CORMAN.

SB 895 (Pr. No. 1309) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 5, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 4), page 2, line 1, by striking out the bracket before "retired"

Amend Sec. 1 (Sec. 4), page 2, line 1, by striking out "] eligible for retirement"

Amend Sec. 1 (Sec. 4), page 2, line 1, by inserting after "service": if his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act.

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 CORMAN.

SB 896 (Pr. No. 1052) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 20, 1915 (P. L. 566, No. 242), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities;....," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 7, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 3), page 2, line 3, by striking out the bracket before "retired"

Amend Sec. 1 (Sec. 3), page 2, line 3, by striking out "] eligible for retirement"

Amend Sec. 2 (Sec. 3), page 2, line 3, by inserting after "service": if his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act.

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 CORMAN.

SB 897 (Pr. No. 1310) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 5, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 1), page 2, line 18, by striking out the bracket before "may"

Amend Sec. 1 (Sec. 1), page 2, lines 18 and 19, by striking out "] shall be eligible for retirement"

Amend Sec. 1 (Sec. 1), page 2, line 19, by inserting after "duty": if his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act.

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 CORMAN.

SB 898 (Pr. No. 1311) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 3, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 1133), page 1, line 13, by striking out the bracket before "retired"

Amend Sec. 1 (Sec. 1133), page 1, lines 13 and 14, by striking out "] eligible for retirement"

Amend Sec. 1 (Sec. 1133), page 1, line 14, by inserting after "duty": if his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 2 (Sec. 1190), page 2, line 23, by striking out the bracket before "such"

Amend Sec. 2 (Sec. 1190), page 2, line 25, by inserting after "law": if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 2 (Sec. 1190), page 3, line 2, by striking out "]"

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 CORMAN.

SB 899 (Pr. No. 1312) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," eliminating mandatory retirement.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment:

Amend Title, page 1, line 4, by inserting after "eliminating": certain

Amend Sec. 1 (Sec. 1519), page 1, line 16, by striking out the bracket before "such"

Amend Sec. 1 (Sec. 1519), page 2, line 4, by inserting a bracket before "reached"

Amend Sec. 1 (Sec. 1519), page 2, line 5, by inserting a bracket after "over" and inserting immediately thereafter: his age exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"

Amend Sec. 1 (Sec. 1519), page 2, line 10, by striking out the bracket after "then"

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 CORMAN.

BILL OVER IN ORDER

HB 1004 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1008 (Pr. No. 1263) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1945 (P. L. 1108, No. 402), entitled "Limited Access Highway Law," further providing for commercial enterprises on limited access highways.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1041 and **1045** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 1046 (Pr. No. 1330) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HOUSE CONCURRENT RESOLUTION NO. 126, CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, **House Concurrent Resolution No. 126**, entitled:

Declaring October as Cooperative Month.

HOUSE CONCURRENT RESOLUTION NO. 126 REREFERRED

Upon motion of Senator JUBELIRER, and agreed to, the resolution was rereferred to the Committee on Rules and Executive Nominations.

SB 525 CALLED UP

SB 525 (Pr. No. 1292) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, lines 9 and 10, by striking out "reestablishing the State Board of Physical Therapy Examiners;"

Amend Sec. 1 (Sec. 2), page 3, line 1, by inserting a bracket before "who"

Amend Sec. 1 (Sec. 2), page 3, line 4, by inserting a bracket after "law" and inserting immediately thereafter: as defined in 1 Pa.C.S. § 1991 (relating to definitions)

Amend Sec. 3 (Sec. 4), page 5, line 9, by inserting after "act": : Provided, however, That nothing in this section shall limit a physician's authority to practice medicine or to bill for such practice of medicine

On the question,

Will the Senate agree to the amendment?

Senator JUBELIRER. Mr. President, this amendment does three things. It amends the title, it amends the definition of physician and it clarifies the billing section so that physicians can practice medicine and bill for it.

Senator ZEMPRELLI. Mr. President, I agree with the gentleman that is what it does. However, in the gentleman's very brief and simple explanation it leaves a lot unsaid. Mr. President, I remember the day you and I and the Majority Leader and others met with Franco Harris at the time the physical therapy bill was introduced at a press conference. I am also a cosponsor of this bill. Since that time the impact of the language of that bill has been such that it has given me some cause for reservation as to what the fallout, so to speak, on this bill has been with respect to other professions and to

those who are practicing similar types of therapy. If I were to say we spent many, many hours trying to reconcile the differences, and there are any number of opinions as to what Senate Bill No. 525 does over and beyond its original intent, that would be an understatement.

Mr. President, what the gentleman is doing with the inclusion of the amendment, as he would suggest, is to ensure there be no problem about physicians being paid and being able to bill for physical therapy services. In doing so it places a secondary ambiguity upon every other profession that either directly, indirectly or through some other form of therapy may believe they are entitled to receive compensation or to practice such services. I have heard words I have never heard before such as physiotherapy and physiological therapeutics. Do not ask me the difference between physiological therapeutics and physical therapy. There are people out there who believe there is a significant difference. In the case of the osteopaths, I suggest if there is a need to embrace language as is contained in this amendment to protect the physicians, then why not the dentists, why not the osteopaths, why not all the myriad persons who practice this profession?

Mr. President, for a bill that started out to be a bill that allowed certain regulations and sanctions against those who would practice physical therapy without a license, we have now gotten into a major bill with respect to the definition of those who provide health care services and, more important than that, whether or not they should be paid for those services and the degree to which they are permitted to perform those services. To that extent the bill has become confused, ambiguous and otherwise totally offensive.

Mr. President, I conclude where I started. I ask the gentleman if he wishes to answer the interrogatory. Why is there a need to single out the physicians to make sure they can provide and bill for these services and no other professionals providing the services can? The corollary and second question I ask is, is it to be construed that all those others providing similar types of services in the nature of physical therapy are precluded from billing for such services whether they be of the description I previously described or any other kind of physical procedure? My third question to the gentleman is, are we, through the inclusion of this language or in the language that innocently pretends to be a physical therapy bill, either granting privileges to certain professions that they now do not have or denying to others certain services of a professional nature they may be able to provide but now cannot?

Mr. President, those are the significant questions I ask the gentleman to answer. I suggest to each and every Member of this Body that although the purpose is high and noble with respect to physical therapists and their desire with respect to this bill and its accomplished intent, the frustration, the ambiguity and the uncertainty of what this bill will do through all of its language gives me reason to believe it is ill-conceived and should be voted against at this time, particularly this amendment because of its exclusionary nature by virtue of the fact it only includes physicians.

Senator JUBELIRER. Mr. President, I am really somewhat shocked at the gentleman's debate. His lack of knowledge on the amendment, the bill and the definition of the word "physician" is incredible. That is the only thing I can say. The word "physician" includes within it osteopaths and physiotherapists. The amendment clarifies that to make sure it does just that. Everything the gentleman wants is in that amendment. For the gentleman to stand up and debate against the amendment, not understanding the definition of the word "physician," I think is incredible.

Mr. President, this amendment clarifies three things: the definition of physician, which just restates what it already is and has been; the billing section so that yes, Mr. President, chiropractors cannot bill under this because they are not considered physicians and only chiropractors would not be considered physicians. If we are going to change the law and let chiropractors become physicians, it should be done in separate legislation, not this legislation. The gentleman asked me about the granting of privileges that certain groups do not have or taking away privileges that certain groups have. We should not be debating the bill, only the amendment. If the gentleman will read the legislation, I call to his attention on page 4, beginning at line 8, "Nothing in this act, however, shall prohibit any person trained and licensed or certified to practice or to act within the scope of his certification in this State under any other law, from engaging in the licensed or certified practice for which he is trained."

Mr. President, this bill changes nothing. It does not give anybody the right to do something they already do not have or take away something they do have. We have had one particular representative of the chiropractors representing certain things that are just, unfortunately, not factual. The gentleman's characterization of taking away something or giving something is just not accurate. We do not do that. If anything, the amendment clarifies this to make sure that precisely does not happen. We have worked with representatives of all groups.

Mr. President, it is my understanding all these groups, with perhaps the exception of the chiropractors, seem to be very satisfied with this language and have not objected to the same. If I have not answered any of the gentleman's questions, I would be willing to do so.

Senator ZEMPRELLI. Mr. President, I hear the gentleman, but I simply do not share the same enthusiasm he does for the correctness of his position. The best way I could answer the gentleman is to say this: If everything he said about this bill is true, then why do we need an amendment that reads this way? This is his amendment and it is the only thing he is amending and the only language of that amendment: "Provided, however, that nothing in this section shall limit a physician's authority to practice medicine or to bill for such practice of medicine."

Mr. President, if there is not some concern about a physician's right and authority to practice and bill for the medicine, why state it? What is the need for the amendment? What is the purpose of the amendment? I agree with the gentleman

that embraced within the language of a physician is an osteopath and a number of other professions. I attribute a great deal of candor to him for saying outright it does not include chiropractors. I am not here to suggest it should include chiropractors. I am concerned that the language of this amendment is unnecessary if the gentleman's statement is correct. The fact he would include this language, then, by implication excludes any other professional or any degree of professional that may be on the periphery of providing physical therapeutic services.

Mr. President, I say to the gentleman if, in fact, he believes what he has said, then there is no need for this amendment.

Senator BELL. Mr. President, after the tremendous debate on this, I am thoroughly confused and I am going to vote for the amendment so I can see it in print. I suggest tomorrow is another day. If it does not do what it is supposed to do and if there still is controversy, I suggest there might be some "no" votes on the bill.

Senator ZEMPRELLI. Mr. President, I think it is important to note the amendment is an amendment to the section that provides for billing. This means there should be no question those practitioners who fall within the classification of physician should have any problem with billing. That is a logical interpretation of both the section and the proposed amendment. It is equally consistent by stating that physicians are the ones who can bill and that others cannot bill. That is as consistent an interpretation as is the first. My purpose is not to preclude physicians from billing for these services. My purpose in opposing these amendments is to not exclude others who may otherwise qualify. It is not the purpose of this bill to either qualify or disqualify any practitioner whether he falls within the definition of physician or otherwise. It is ancillary to the purpose of this bill which is, in fact, nothing more than to determine a set of rules and regulations and establish standards by which those who practice physical therapy may operate.

Mr. President, I continue to ask for a negative vote on this amendment.

Senator FUMO. Mr. President, I intend to vote "yes" on the amendment. With all due respect to the Majority Leader, I, too, am confused by the issue. I think that is mainly because of the bill itself and I intend to vote "no" on the bill when it comes up. I will discuss that further at the proper time for that debate. I do not necessarily share the Majority Leader's argument that if we put this amendment in, we are excluding everyone else, but I do see the possibility of that. I do share the argument of the gentleman from Delaware, Senator Bell, that let us put this in and if those other professions which are purportedly adversely affected do not come to the fore by tomorrow and tell us to vote against the bill, maybe they are not affected. Maybe as the gentleman from Delaware, Senator Bell, said, if we put this in, it might encourage more "no" votes, which is what I would like to see in the end anyway. I intend to vote "yes."

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

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 525 will go over, as amended.

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

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

MEMBER OF THE BOARD OF TRUSTEES OF EASTERN STATE SCHOOL AND HOSPITAL

October 21, 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 July 5, 1983 for the appointment of Jane D. Eves, Pine Run Road, R. D. 1, Doylestown 18901, Bucks County, Tenth Senatorial District, as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Victor S. Jaczun, Perkasio, deceased.

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

DICK THORNBURGH.

MEMBER OF THE STATE EMPLOYEES' RETIREMENT BOARD

October 21, 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 July 5, 1983 for the appointment of the Honorable Murray G. Dickman, 1074-7 Lancaster Boulevard, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the State Employees' Retirement Board, to serve until September 26, 1986, vice Milton Melman, Harrisburg, resigned.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

UNFINISHED BUSINESS

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE

Senator HOLL submitted the Report of Committee of Conference on **HB 379**, which was laid on the table.

REPORTS FROM COMMITTEE

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

SB 450 (Pr. No. 490)

An Act providing for an additional highway and safety capital project in Luzerne County to be financed from the current revenues of the Motor License Fund.

SB 985 (Pr. No. 1416) (Amended)

A Supplement to the act of (P. L. No.), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing public improvement and highway safety and improvement projects to be constructed or acquired by the Department of General Services, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services; stating the estimated useful life of the projects; and making an appropriation.

HB 690 (Pr. No. 2037) (Amended) (Rereported)

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for bids for purchases; further providing for exceptional children, for reimbursements for certain special education services and for the performance of maintenance.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator JUBELIRER, 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 COUNCIL OF TRUSTEES OF MILLERSVILLE UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

September 28, 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 L. Ressler, Box 203, R. D. 2, New Holland 17557, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Council of Trustees of Millersville 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 BOARD OF TRUSTEES OF POLK CENTER

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 Beverly K. Snyder, Box 147, 315 Main Street, Emlenton 16373, Venango County, Twenty-first Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Albert B. Iorfido, Franklin, resigned.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION

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 James Oliver Hunter, Esquire, 2273 Ferguson Road, Allison Park 15101, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years, and until his successor shall have been appointed and qualified, vice Frank A. Ursomarso, Kennett Square, resigned.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF SLIPPERY ROCK 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 A. Beck, Jr., Box 1, R. D. 1, Chicora 16025, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock 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 Frank Gagliardo, New Castle, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF WERNERSVILLE 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 Calvin E. Smith, Esquire, 113 East Penn Avenue, Wernersville 19565, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1985, and until his successor is appointed and qualified, vice John N. Musante, Jr., Wernersville, resigned.

DICK THORNBURGH.

MEMBER OF THE CAMBRIA 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 Paul M. Payerchin, Sr. (Republican), 489 Dorothy Avenue, Johnstown 15901, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice Clifford F. Randall, Portage, resigned.

DICK THORNBURGH.

MEMBER OF THE CHESTER 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 Walter M. Eckman (Republican), 1 Limestone Road, Cochranville 19330, Chester County, Thirty-sixth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Gloria Ann Phillips, Halvern, 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 Janis Lieber (Republican), Box 47, Clarington 15828, Forest County, Twenty-fifth Senatorial District, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified, vice Carolyn Pape, Tionesta, resigned.

DICK THORNBURGH.

MEMBER OF THE JEFFERSON 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 Helen Crooks (Republican), 133 Pine Street, Brookville 15825, Jefferson County, Forty-first Senatorial District, for appointment as a member of the Jefferson County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified, vice Robert E. Hauck, Falls Creek, resigned.

DICK THORNBURGH.

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

October 3, 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 Basil E. Harris (Republican), 189 West Main Street, Galeton 16922, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice John A. Duval, Coudersport, whose term expired.

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

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

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

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator JUBELIRER, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD
OF NURSE EXAMINERS

October 20, 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 29, 1983 for the appointment of Richard A. Longo, R.N., 213 Bellwood Court, Mars 16046, Butler County, Twenty-first Senatorial District, as a member of the State Board of Nurse Examiners, to serve for a term of six years and until his successor is appointed and qualified, but in no event longer than six months beyond that period, vice Jean A. Williams, R.N., Pittsburgh, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

October 20, 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 September 19, 1983 for the appointment of Wrayburn A. Weimer, Jr. (Republican), Fishing Creek Road, Roulette 16746, Potter County, Twenty-fifth Senatorial District, as a member of the Potter County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Donald M. Freeman, Ulysses, deceased.

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

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

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

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

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 Michael C. Yuknek and to the Borough of Upland by Senator Bell.

Congratulations of the Senate were extended to the Reverend and Mrs. Ralph J. Groce, Sr. and to Mr. and Mrs. Matthew O'Connor by Senator Bodack.

Congratulations of the Senate were extended to William T. Piper, Jr. by Senators Corman and Hager.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Frye, Mr. and Mrs. Frank D. Grieb, Mr. and Mrs. Theodore R. Kauffman, Mr. and Mrs. Joseph E. Lequar, Mr. and Mrs. Dominic Nicolo, Mr. and Mrs. Elmer C. Pifer and to Mr. and Mrs. John Shrimp by Senator Corman.

Congratulations of the Senate were extended to Charles Ewing by Senator Fumo.

Congratulations of the Senate were extended to Frank Cimino by Senator Helfrick.

Congratulations of the Senate were extended to the North Penn Chamber of Commerce by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Theodore D. Burchfield, Mr. and Mrs. Tony Sarra, Mr. and Mrs. Angelo Tomeo and to Mr. and Mrs. John C. Wertz by Senator Jubelirer.

Congratulations of the Senate were extended to Annabel Bollinger and to Nicholas "Nick" Creola, Sr. by Senator Kusse.

Congratulations of the Senate were extended to Raymond Frederick and to Keith Palli by Senator Lincoln.

Congratulations of the Senate were extended to the East Scranton Little League Team by Senator Mellow.

Congratulations of the Senate were extended to Peter P. Dimperio by Senator Pecora.

Congratulations of the Senate were extended to the Allentown Jewish Community Center by Senators Reibman and Kratzer.

Congratulations of the Senate were extended to Salome Masser by Senator Rhoades.

Congratulations of the Senate were extended to the Hummelstown Lions Club by Senator Shumaker.

Congratulations of the Senate were extended to Mickey Mouse by Senator Wilt.

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 Henry Johnson by Senator Bell.

BILLS ON FIRST CONSIDERATION

Senator ZEMPRELLI. 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 450, 907, 985 and 994.

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

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 24, 1983

HB 128 — Committee on Transportation.

HB 355 — Committee on Urban Affairs and Housing.

HB 559 — Committee on Environmental Resources and Energy.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 206, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 206**, and has appointed Messrs. RAPPAPORT, MAYERNIK and WOGAN as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

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 24, 1983

Senators REIBMAN, O'PAKE and LLOYD presented to the Chair **SB 1104**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for Ethnic Heritage Studies Centers.

Which was committed to the Committee on EDUCATION, October 24, 1983.

Senators REIBMAN, ANDREZESKI, O'PAKE and LLOYD presented to the Chair **SB 1105**, entitled:

An Act providing for grants by the Secretary of Education to promote the study of ethnic and multicultural heritage; and making an appropriation.

Which was committed to the Committee on EDUCATION, October 24, 1983.

Senators REIBMAN, HELFRICK, ANDREZESKI and LLOYD presented to the Chair **SB 1106**, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), entitled, as amended, "The Clean Streams Law," further providing for the powers and duties of the department.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 24, 1983.

Senators REIBMAN, HELFRICK, SHUMAKER and LLOYD presented to the Chair **SB 1107**, entitled:

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth;....," requiring chemical food fresheners to be identified.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 24, 1983.

BILL SIGNED

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

HB 1357.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 25, 1983

10:00 A.M.	STATE GOVERNMENT	Room 459, 4th Floor
	(to consider Senate	Conference Rm.,
	Bills No. 426, 442,	

	698, 932, 1025 and 1102)	North Wing
10:00 A.M.	LABOR AND INDUSTRY	Room 460, 4th Floor
	(to consider Senate	Conference Rm.,
	Bills No. 25, 582 and a	North Wing
	hearing on the confirma-	
	tion on the nomination of	
	Thomas Breslin for the	
	Workmen's Compensation	
	Appeal Board)	
11:00 A.M.	FINANCE (to consider	Room 460, 4th Floor
	Senate Bill No. 855;	Conference Rm.,
	House Bills No. 92,	North Wing
	129, 533 and 743)	
11:00 A.M.	LOCAL GOVERNMENT	Room 461, 4th Floor
	(to consider Senate	Conference Rm.,
	Bills No. 508 and 995)	North Wing
off the	RULES AND EXECUTIVE	Rules Committee
floor	NOMINATIONS (to con-	Conference Room
	sider certain Executive	
	Nominations)	

WEDNESDAY, OCTOBER 26, 1983

9:00 A.M.	COMMUNITY AND	Room 460, 4th Floor
	ECONOMIC DEVELOPMENT	Conference Rm.,
	(to consider Senate	North Wing
	Bills No. 858, 900,	
	1015, 1057 and Senate	
	Resolution No. 86)	

THURSDAY, OCTOBER 27, 1983

12:00 Noon	URBAN AFFAIRS AND	Room 120,
to	HOUSING (Public Hearing	David Lawrence
8:00 P.M.	on Mortgage Foreclosures)	Auditorium,
		University of
		Pittsburgh,
		Forbes Avenue,
		Pittsburgh

THURSDAY, NOVEMBER 3, 1983

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

WEDNESDAY, NOVEMBER 9, 1983

11:00 A.M.	Public Employee Retire-	Room 459, 4th Floor
	ment Study Commission	Conference Rm.,
		North Wing

WEDNESDAY, NOVEMBER 16, 1983

9:00 A.M.	PUBLIC HEALTH AND	Room 461, 4th Floor
	WELFARE (to consider	Conference Rm.,
	the problems with Nursing	North Wing
	Homes with regard to	
	State regulations and	
	reimbursement; Personal	
	Care Boarding Homes and	

their problems with State
regulations and reimbursement)

9:30 A.M. Joint Senate and House Senate Majority
AGRICULTURE AND RURAL Caucus Room
AFFAIRS Committees (to view
the film "Pennsylvania Milk
Story")

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 Tuesday, October 25, 1983, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:13 p.m., Eastern Daylight Saving Time.