

Legislative Journal

MONDAY, MAY 7, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 27

SENATE

MONDAY, May 7, 1984.

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

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

PRAYER

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

Almighty God, our Heavenly Father, we acknowledge Thy presence in our midst and beseech Thee now to send Thy blessing upon the Senate of Pennsylvania, here assembled.

Grant unto Thy servants the spirit of power and of love and of a sound mind, that they may be wise in council, diligent in service and faithful stewards of those things belonging to Thy kingdom. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 2, 1984.

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

LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Kratzer who is attending the swearing-in ceremony for the new Public Utility Commissioner, Frank Fischl. I expect that he will be here as soon as that duty is over. I request a temporary legislative leave of absence for Senator Holl who is attending meetings in his district regarding functions germane to his position as Chairman of the Committee on Banking and Insurance. I also request a temporary legislative leave of absence for Senator Street who is meeting with a group of business people in Philadelphia regarding Philadelphia tax issues and he is expected in the Capitol later this afternoon.

Senator SCANLON. Mr. President, I request a legislative leave of absence for the entire week for Senator O'Pake who is appearing as a speaker at the Pennsylvania Association on Probation and Parole in Philadelphia. I request a legislative

leave of absence, for today's Session only, for Senator Lynch who is meeting with senior citizens groups in his area. I request a temporary legislative leave of absence for Senator Stapleton who is attending the swearing-in of Bill Shane. I request a temporary Capitol leave of absence for Senator Stout who has been delayed and will arrive by 5:30 p.m.

The PRESIDENT pro tempore. Is there objection to the granting of temporary Capitol leaves of absence for Senator Kratzer and Senator Stapleton and temporary legislative leaves of absence for Senator Holl, Senator Street and Senator Stout and a legislative leave of absence for this week's Session for Senator O'Pake and a legislative leave of absence for this day's Session for Senator Lynch? Without objection, those leaves will be granted.

LEAVE OF ABSENCE

Senator SCANLON asked and obtained leave of absence for Senator HANKINS, for today's Session, for personal reasons.

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION
LAID ON THE TABLE

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

MEMBER OF THE PHILADELPHIA COUNTY
BOARD OF ASSISTANCE

May 1, 1984.

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 January 6, 1984 for the appointment of Joseph E. Toner, III (Republican), 3406 Morrell Avenue, Philadelphia 19114, Philadelphia County, Fifth Senatorial District, as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1986, and until his successor is duly appointed and qualified, vice Ralph W. Holmes, Philadelphia, resigned.

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

DICK THORNBURGH.

GENERAL COMMUNICATIONS
BILLS INTRODUCED AND REFERRED

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

May 2, 1984

Senator BELL presented to the Chair **SB 1364**, entitled:

An Act requiring that motorized construction equipment used for the construction of public highways must be manufactured or assembled in the United States; and imposing a penalty.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 2, 1984.

Senator BELL presented to the Chair **SB 1365**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," requiring certain moneys to be paid to the Department of Revenue monthly.

Which was committed to the Committee on LAW AND JUSTICE, May 2, 1984.

Senator BELL presented to the Chair **SB 1366**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), entitled, as reenacted and amended, "Senior Citizens Rebate and Assistance Act," increasing certain limitations with respect to property tax and rent rebates.

Which was committed to the Committee on AGING AND YOUTH, May 2, 1984.

Senators ANDREZESKI, SINGEL, REIBMAN and LOEPER presented to the Chair **SB 1367**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, granting credit to public school employees for certain unused sick leave.

Which was committed to the Committee on FINANCE, May 2, 1984.

Senator TILGHMAN presented to the Chair **SB 1368**, entitled:

An Act to provide supplemental appropriations from the General Fund for the expenses of the Executive 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 bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1983; and to further appropriate the Federal Augmentation to the Executive Department of the Commonwealth 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.

Which was committed to the Committee on APPROPRIATIONS, May 2, 1984.

Senators GREENLEAF, PECORA, SINGEL, ANDREZESKI, HELFRICK and KRATZER presented to the Chair **SB 1369**, entitled:

An Act requiring police departments to immediately initiate an investigation upon receipt of a report of a missing minor.

Which was committed to the Committee on JUDICIARY, May 2, 1984.

Senator GREENLEAF presented to the Chair **SB 1370**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," granting an exemption from the income tax for certain persons.

Which was committed to the Committee on FINANCE, May 2, 1984.

Senator HAGER presented to the Chair **SB 1371**, entitled:

An Act designating the Mansfield Bypass on relocated Traffic Route 15 in Tioga County as the Harold G. Strait Memorial Highway.

Which was committed to the Committee on TRANSPORTATION, May 2, 1984.

Senator HAGER presented to the Chair **SB 1372**, entitled:

An Act amending the act of June 18, 1982 (P. L. 547, No. 158), entitled "Clerk of Courts Fee Law," providing that the fees shall not be refunded.

Which was committed to the Committee on LOCAL GOVERNMENT, May 2, 1984.

May 3, 1984

Senators RHOADES, BRIGHTBILL, HELFRICK, STOUT, STAPLETON, ANDREZESKI, FISHER, O'PAKE, KELLEY, HOPPER, O'CONNELL, MUSTO and SHAFFER presented to the Chair **SB 1373**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, creating the Volunteer Fire School Assistance Fund; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 3, 1984.

Senators STAPLETON, O'PAKE, RHOADES, SHUMAKER, SINGEL, LINCOLN, MELLOW and ANDREZESKI presented to the Chair **SB 1374**, entitled:

An Act amending the act of January 18, 1952 (1951 P. L. 2111, No. 600), entitled, as amended, "State College Faculty Compensation Law," further providing for payments to co-operating teachers; and making editorial changes.

Which was committed to the Committee on EDUCATION, May 3, 1984.

Senators LOEPER, LINCOLN, RHOADES, FISHER, SHUMAKER, JUBELIRER, ZEMPRELLI, BRIGHTBILL and KRATZER presented to the Chair **SB 1375**, entitled:

An Act authorizing the creation of indebtedness of \$30,000,000 for the rehabilitation, development and acquisition of land, water and structural resources; defining the powers and duties of certain offices, agencies and municipalities; providing for the allotment of proceeds hereunder including Commonwealth grants; prescribing standards; and making appropriations.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 3, 1984.

RESOLUTIONS INTRODUCED AND REFERRED

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

May 2, 1984

AMENDING THE RULES OF THE SENATE

Senators LLOYD, ROCKS and SINGEL offered the following resolution (**Senate Resolution No. 122**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, May 2, 1984.

A RESOLUTION

Amending the Rules of the Senate.

RESOLVED, That Rule XVI, section 10, be amended to read:
XVI COMMITTEES

* * *

Public Meetings or Hearings

10. (a) The Chairman of a standing committee may hold hearings open to the public and in doing so shall make public announcement of the date, the place, and the subject matter of the hearing in ample time to permit participation by the public. All subcommittees may hold public hearings with the permission of the parent standing committee.

(b) The Chairman of a standing committee shall have the power to designate whether or not a meeting of the committee for the purpose of transacting committee business shall be open to the public or shall be held in executive session and therefore closed to the public but no matters may be considered in executive session for which an open meeting is required under the act of July 19, 1974 (P.L.486, No.175), referred to as the Sunshine Law.

(c) The Secretary of the Senate shall make certain that a recording be made of every committee meeting held by a Senate Committee or subcommittee. Recordings shall be kept on file in the office of the Secretary of the Senate, and shall be available to the general public for inspection, during business hours.

**MEMORIALIZING THE JOINT COMMITTEE
ON PRINTING OF THE CONGRESS OF THE
UNITED STATES, THE FEDERAL OFFICE OF
MANAGEMENT AND BUDGET, AND ALL
PENNSYLVANIA CONGRESSMEN TO PREVENT
CERTAIN FEDERAL CIVIL SERVICE
OPERATIONS PERSONNEL FROM BEING
REPLACED BY PRIVATE CONTRACTORS**

Senators LLOYD and ROCKS offered the following resolution (**Senate Resolution No. 123**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, May 2, 1984.

A RESOLUTION

Memorializing the Joint Committee on Printing of the Congress of the United States, the Federal Office of Management and Budget, and all Pennsylvania Congressmen to prevent certain Federal civil service operations personnel from being replaced by private contractors.

WHEREAS, The Senate of Pennsylvania encourages all governmental operations to be run as economically and efficient-

ly as possible, meeting the needs of each agency, maintaining the needed level of service and in consideration of the human and economic toll that changes might have on loyal employees; and

WHEREAS, The Federal Administration plans to seek bids for a private contractor to operate the Federally owned Navy Publications and Printing Service Office at 700 Robbins Avenue, Philadelphia, Pennsylvania, which is presently operated by Federal civil service employees, and turn it into a duplicating facility; and

WHEREAS, Said publications and printing service office is owned, lighted, heated and equipped at Federal expense; and

WHEREAS, The proposed private contract specifications include continued provision of Federal payment of said office's rent, utilities and equipment but the contractor is not required to pay the same wages or benefits as are provided to civil service employees by the Department of Defense Wage Fixing Authority; and

WHEREAS, Said proposed contract specifications encourage the dismissal of the civil service personnel for the profit of the private contractor; and

WHEREAS, The approval of the Congressional Joint Committee on Printing is required for the operation of a printing plant; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to take action to prevent Federal civil service operations personnel from being replaced by private contractors in the Philadelphia, Pennsylvania, Navy Publications and Printing Service Office and specifically to recommend to the Congressional Joint Committee on Printing to refuse approval of the operation by private contractors of all Navy Publications and Printing Service Offices; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States to the presiding officers of each House of Congress, to each member of Congress from Pennsylvania, to the members of the Congressional Joint Committee on Printing and to the Federal Office of Management and Budget.

**APPOINTING A SPECIAL SENATE COMMITTEE
TO INVESTIGATE THE BASING OF UNITED
STATES COMBAT FORCES BY THE
DEPARTMENT OF DEFENSE WITH THE
PURPOSE OF SECURING THE BASING OF A
COMBAT DIVISION WITHIN PENNSYLVANIA**

Senators ANDREZESKI, ZEMPRELLI, SINGEL, REIBMAN and LLOYD offered the following resolution (**Senate Resolution No. 124**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, May 2, 1984.

A RESOLUTION

Appointing a special Senate committee to investigate the basing of United States combat forces by the Department of Defense with the purpose of securing the basing of a combat division within Pennsylvania.

WHEREAS, The Department of Defense is consuming an increasingly large share of the Federal budget; and

WHEREAS, The northeastern region of the United States receives a disproportionately small share of the total defense budget in relation to the amount of taxes contributed by the region to the Federal Government; and

WHEREAS, No United States combat divisions and no major Naval units are located in the northeastern region of the United States; and

WHEREAS, Dispersal of United States combat forces and militarily-related industries would be strategically beneficial to the United States; therefore be it

RESOLVED, That the Senate directs the President pro tempore to appoint a special seven-member committee, four members from the majority party and three members from the minority party selected by the minority floor leader to thoroughly investigate the basing scheme of United States combat forces and the procurement system of the Department of Defense with the intent of securing the basing of a combat division in Pennsylvania and to increase the share of the military procurement budget which is supplied by Pennsylvania businesses; and be it further

RESOLVED, That within 30 calendar days after the committee has made its report, the chairman of the committee shall cause a record of all expenses incurred by the committee, or the members thereof, which are payable at Commonwealth expense, to be filed with the President Pro Tempore of the Senate and the President Pro Tempore shall cause the record to be entered in the journal. No expenses incurred by the committee or any member thereof shall be reimbursable by the Chief Clerk unless the expense has first been included as an expense item in the record filed; and be it further

RESOLVED, That the committee shall reports its findings, together with its recommendations, to the Senate no later than November 30, 1984.

May 3, 1984

**URGING THE COMPLETE REMOVAL,
ENCLOSURE OR ENCAPSULATION OF
ASBESTOS IN PUBLIC SCHOOLS
THROUGHOUT THE COMMONWEALTH**

Senators RHOADES, STAPLETON, HELFRICK, LLOYD, SHAFFER, ANDREZESKI, KRATZER, REIBMAN, KELLEY, O'CONNELL and MUSTO offered the following resolution (**Senate Resolution No. 125**), which was read and referred to the Committee on Education:

In the Senate, May 3, 1984.

A RESOLUTION

Urging the complete removal, enclosure or encapsulation of asbestos in public schools throughout the Commonwealth.

WHEREAS, The substance known as asbestos was used in public buildings as a thermal and electric insulator; and

WHEREAS, The substance in some of these public buildings, including school buildings, is now crumbling from age; and

WHEREAS, The fibers from the deteriorating asbestos can float in air and thus be inhaled; and

WHEREAS, Exposure to asbestos has been linked to a number of serious disorders, including lung cancer; and

WHEREAS, Asbestos in our public schools thus poses a definite health threat to students and teachers; and

WHEREAS, The Commonwealth appropriates no funds for inspection teams to detect asbestos problems in our public schools; and

WHEREAS, The Commonwealth appropriates no funds to control or eliminate asbestos problems in public schools; and

WHEREAS, School districts must pay for inspection and control of asbestos problems; therefore be it

RESOLVED, That the Department of Education study and outline plans for reimbursing school districts which require financial assistance in dealing with asbestos problems; and be it further

RESOLVED, That the Bureau of Air Quality Control in the Department of Environmental Resources develop a policy for inspection of all public schools throughout the Commonwealth to discern the extent of asbestos problems.

**REPORT ON THE OPERATION OF THE
WIRETAPPING AND ELECTRONIC
SURVEILLANCE CONTROL ACT**

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

SUPREME COURT OF PENNSYLVANIA
464 City Hall
Philadelphia, Pennsylvania 19107

April 30, 1984

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

Dear Mr. Corrigan:

In accordance with Section 5723(d) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa. C.S. § 5723(d), I forward herewith the required Annual Report.

With kindest regards,

Sincerely,

ROBERT N. C. NIX, Jr.
Chief Justice of Pennsylvania

(See Appendix for report.)

**NORTHWEST PENNSYLVANIA TRAINING
PARTNERSHIP CONSORTIUM, INC.
JOB TRAINING PARTNERSHIP ACT**

The PRESIDENT pro tempore. The Chair lays before the Senate the Job Training Partnership Plans of the Counties of Clarion, Crawford, Forest, Lawrence, Mercer, Venango and Warren.

This report will be filed in the Library.

REPORTS FROM COMMITTEES

Senator FISHER, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 1309 (Pr. No. 1962) (Amended)

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "Surface Mining Conservation and Reclamation Act," providing for the re-mining of areas previously affected by mining.

HB 552 (Pr. No. 619)

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the salaries of the chairman and members of the Environmental Hearing Board.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 1329 (Pr. No. 1963) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting multiple filings.

SB 1330 (Pr. No. 1964) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further defining the term "public utility."

APPROVAL OF REGULATIONS

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following PUC regulations have been approved for submission to the Independent Regulatory Review Commission: L840096 and L840098.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, May 7, 1984.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 14, 1984 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, May 14, 1984 unless sooner recalled by the Speaker.

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

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

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

On the question,

Will the Senate agree to the motion?

LEAVE OF ABSENCE

Senator JUBELIRER asked and obtained temporary leave of absence for Senator HOPPER, for a portion of today's Session, for personal reasons.

LEGISLATIVE LEAVE CANCELLED

Senator STAPLETON. Mr. President, I would note my presence on the floor. I had a temporary leave of absence.

The PRESIDENT pro tempore. The Chair thanks the gentleman.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—48

Andrezeski	Holl	Moore	Shumaker
Bell	Howard	Musto	Singel
Bodack	Jubelirer	O'Connell	Snyder
Brightbill	Kelley	O'Pake	Stapleton
Corman	Kratzer	Pecora	Stauffer
Early	Kusse	Reibman	Stout
Fisher	Lewis	Rhoades	Street
Fumo	Lincoln	Rocks	Tilghman

Greenleaf	Lloyd	Romanelli	Wenger
Hager	Loeper	Ross	Williams
Helfrick	Lynch	Scanlon	Wilt
Hess	Mellow	Shaffer	Zemprelli

NAYS—0

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

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

REQUEST FOR RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate. I ask, on behalf of Senator Tilghman, that all Members of the Committee on Appropriations report immediately to the meeting room on the fourth floor for a meeting of that committee.

Immediately thereafter, Mr. President, I ask the Republican Members of the Senate to report to the first floor caucus room for the purpose of a Republican caucus. It is my expectation, Mr. President, that we will return to the floor at approximately 4:15 p.m. or 4:30 p.m. today to complete the duty of today's Calendar.

Senator SCANLON. Mr. President, because of the impending meeting of the Committee on Appropriations, I request the Democratic Members report to the caucus room promptly at 3:15 p.m.

LEGISLATIVE LEAVE CANCELLED

Senator JUBELIRER. Mr. President, Senator Kratzer is here and I request that his temporary legislative leave of absence be cancelled. He will be voting for the remainder of today's Session.

The PRESIDENT pro tempore. The Chair notes the presence of Senator Kratzer on the floor.

RECESS

The PRESIDENT pro tempore. For purposes of a meeting of the Committee on Appropriations to take place immediately in Room 461 and for caucuses, the Senate is now in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

SB 987 (Pr. No. 1850) (Rereported)

An Act combining the radiation safety provisions of the Atomic Energy Development and Radiation Control Act and the Environmental Radiation Protection Act; empowering the

Department of Environmental Resources to implement a comprehensive Statewide radiation protection program; further providing for the power of the Environmental Quality Board and for the duties of the Environmental Hearing Board; expanding the authority of the department to regulate other radiation sources and radiologic procedures; establishing fees; and providing penalties.

SB 1245 (Pr. No. 1756) (Rereported)

An Act empowering the Department of Transportation to preserve and improve rail freight service in the Commonwealth by making grants, loans or other assistance available to qualified applicants; authorizing a comprehensive rail study; making an appropriation; and making repeals.

SB 1276 (Pr. No. 1915) (Rereported)

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

SB 1338 (Pr. No. 1896)

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering the Pennsylvania Workmen's Compensation Act and the Pennsylvania Occupational Disease Act for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

SB 1340 (Pr. No. 1898)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

SB 1341 (Pr. No. 1899)

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

SB 1343 (Pr. No. 1965) (Amended)

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

SB 1344 (Pr. No. 1902)

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to the General State Authority.

HB 58 (Pr. No. 2544) (Rereported)

An Act creating the Pennsylvania Adoption Cooperative Exchange; prescribing responsibilities; requiring certain agencies to cooperate with the exchange; and providing for regulations and staff.

HB 547 (Pr. No. 614) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for pay of officers and enlisted personnel.

HB 1608 (Pr. No. 2907) (Amended) (Rereported)

An Act amending the "Milrite Act," approved July 1, 1978 (P. L. 584, No. 109), providing for the establishment, operation and functions of area labor management committees; extending the existence of the council; and making an appropriation.

REMARKS BY MAJORITY LEADER

Senator JUBELIRER. Mr. President, may we move the Calendar in a special order and take those bills over and move the bills back to committee that need to be done.

The PRESIDENT pro tempore. The gentleman may proceed.

CALENDAR

SPECIAL ORDER OF BUSINESS

SB 453 CALLED UP OUT OF ORDER

SB 453 (Pr. No. 1875) — Without objection, the bill was called up out of order, from page 2 of the Calendar, under Bill on Concurrence in House Amendments, by Senator JUBELIRER, as a Special Order of Business.

BILL OVER IN ORDER

SB 453 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

HB 1919 CALLED UP OUT OF ORDER

HB 1919 (Pr. No. 2743) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

**PREFERRED APPROPRIATION BILL
LAID ON THE TABLE**

HB 1919 (Pr. No. 2743) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Public Utility Commission.

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

SB 794 CALLED UP OUT OF ORDER

SB 794 (Pr. No. 1862) — 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 OVER IN ORDER

SB 794 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 926 CALLED UP OUT OF ORDER

SB 926 (Pr. No. 1937) — 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 OVER IN ORDER AND RECOMMITTED

SB 926 (Pr. No. 1937) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "articulated bus"; and requiring possession of a class 3 license to operate certain articulated buses.

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

Pursuant to Senate Rule XI, the bill was recommitted to the Committee on Transportation.

SB 1101 CALLED UP OUT OF ORDER

SB 1101 (Pr. No. 1408) — 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 OVER IN ORDER

SB 1101 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 1279 CALLED UP OUT OF ORDER

SB 1279 (Pr. No. 1785) — 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 OVER IN ORDER

SB 1279 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 1324 CALLED UP OUT OF ORDER

SB 1324 (Pr. No. 1933) — Without objection, the bill was called up out of order, from page 4 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL
RECOMMITTED

SB 1324 (Pr. No. 1933) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1983 (P. L. 596, No. 3A) entitled, "An act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board 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 an additional appropriation; and adding provisions relating to audits.

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

HB 314 CALLED UP OUT OF ORDER

HB 314 (Pr. No. 2771) — Without objection, the bill was called up out of order, from page 4 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL OVER IN ORDER

HB 314 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 664 CALLED UP OUT OF ORDER

SB 664 (Pr. No. 1816) — Without objection, the bill was called up out of order, from page 4 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL LAID ON THE TABLE

SB 664 (Pr. No. 1816) — The Senate proceeded to consideration of the bill, entitled:

An Act to promote the welfare of the people of the Commonwealth by the economic development of certain areas of the Commonwealth found to be impoverished areas; providing for the establishment of infrastructure development loan projects in such areas; creating the Municipal Economic Development Agency as a body corporate and politic; and prescribing the rights, powers and duties of the agency.

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

HB 846 CALLED UP OUT OF ORDER

HB 846 (Pr. No. 2057) — Without objection, the bill was called up out of order, from page 4 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL OVER IN ORDER

HB 846 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

HB 902 CALLED UP OUT OF ORDER

HB 902 (Pr. No. 2058) — Without objection, the bill was called up out of order, from page 4 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL OVER IN ORDER

HB 902 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

HB 962 CALLED UP OUT OF ORDER

HB 962 (Pr. No. 1886) — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL LAID ON THE TABLE

HB 962 (Pr. No. 1886) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for the sale of land to a volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the borough; and providing for the sale of land to a redevelopment authority.

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

SB 1179 CALLED UP OUT OF ORDER

SB 1179 (Pr. No. 1935) — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL OVER IN ORDER

SB 1179 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 1190 CALLED UP OUT OF ORDER

SB 1190 (Pr. No. 1936) — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL OVER IN ORDER

SB 1190 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SB 1284 CALLED UP OUT OF ORDER

SB 1284 (Pr. No. 1790) — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL OVER IN ORDER

SB 1284 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

HB 1576 CALLED UP OUT OF ORDER

HB 1576 (Pr. No. 2690) — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL OVER IN ORDER

HB 1576 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

REMARKS BY MAJORITY LEADER

Senator JUBELIRER. Mr. President, that deals with the bills that are either tabled or over and I think we can move to the order of the day and run the bills we are going to consider.

CONSIDERATION OF CALENDAR RESUMED

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

SB 985 (Pr. No. 1944) — The Senate proceeded to consideration of the bill, entitled:

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 projects, furni-

ture and equipment projects, redevelopment assistance projects and transportation assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Community Affairs or the Pennsylvania Fish Commission, 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 or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs; stating the estimated useful life of the projects; authorizing issuing officials to undertake limited temporary borrowing through negotiated settlements; and making an appropriation.

Senator JUBELIRER. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 985.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

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

NAYS—0

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

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

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 132 (Pr. No. 2871) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for commission powers and duties relating to the use of coal; prohibiting certain natural gas utilities from utilizing a sliding scale of rates to recover natural gas costs; and further providing for procedures and standards for regulating the rates of natural gas utilities.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVES CANCELLED

Senator JUBELIRER. Mr. President, for the record I would like the Chair to recognize that Senator Holl is now on the floor and I ask that his temporary legislative leave of absence be cancelled.

The PRESIDENT pro tempore. The Chair notes with pleasure the presence of Senator Holl. Also, Senator Street is present upon the floor and wishes the record to reflect that he is now with us and his temporary legislative leave of absence has been cancelled.

And the question recurring,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED AND LAID ON THE TABLE

HB 224 (Pr. No. 1649) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for hearings on applications for new hotel and restaurant liquor licenses and the issuance of such licenses and for the surrender of club licenses; and requiring notices to certain municipalities.

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 Sec. 3 (Sec. 471), page 7, line 24, by inserting brackets before and after "quarter sessions of the county" and inserting immediately thereafter: common pleas

Amend Sec. 3 (Sec. 471), page 8, line 15, by striking out "(d)"

Amend Sec. 3 (Sec. 471), page 8, lines 15 and 17, by inserting a bracket before "The" in line 15 and after "jurisdiction." in line 17

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

Senator JUBELIRER. Mr. President, what this amendment does is it deletes references to obsolete courts which are no longer in existence. I thought the amendment was technical in nature, however, I understand there is some disagreement about it, but I offer the amendment and I would ask for a positive vote.

Senator SCANLON. Mr. President, what the amendment also does is admittedly it corrects some archaic language in referring to a court. There is no question the amendment being offered by the gentleman from Blair, Senator Jubelirer, makes a proper reference to a Court of Common Pleas rather than a Court of Quarter Sessions, but it really is unnecessary in that it does not run to the substance of the bill. However, this bill is on its tenth day and by amending it today we are concerned the bill will then be tabled and we will not get an opportunity to have it passed. There is a certain amount of urgency with the prime sponsor of this bill who has requested this bill be passed today. I am concerned that the other side would wait until the tenth day to offer a technical corrective amendment. It does not seem to be fair under the circumstances.

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

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

LEAVE CANCELLED

Senator JUBELIRER. Mr. President, I would like the record to note the presence of Senator Hopper who I had asked for a temporary personal leave of absence. He is here and voting and I would ask that his temporary personal leave of absence be cancelled.

The PRESIDENT pro tempore. The Chair is pleased to see Senator Hopper and the record will reflect that the gentleman is with us.

And the question recurring,
Will the Senate agree to the bill on third consideration, as amended?

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

Amend Sec. 1 (Sec. 402), page 2, lines 12 through 14, by striking out "SHOULD THE BOARD FAIL TO ACT WITHIN SUCH SIXTY-DAY" in line 12, all of line 13 and "TO HAVE BEEN APPROVED." in line 14

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

Senator JUBELIRER. Mr. President, what this amendment does is delete the part on page 2, from lines 12 to 14 which state that the board shall act upon all applications for licenses and renewals thereof within sixty days after the date

of receipt thereof by the board. Should the board fail to act within such sixty-day period the application for license renewal shall be deemed to have been approved. That section would be removed by this amendment. I would ask for a positive vote.

Mr. President, it would take out the automatic approval language and it would not remove the whole section.

Senator FUMO. Mr. President, I rise to oppose the amendment because leaving in the language of the first part which would say that the board would have to act within sixty days and then not leaving in the remedy which the amendment of the gentleman from Blair, Senator Jubelirer, takes out, makes the first part of that language worthless.

Currently, I am advised there are numerous applications in the Liquor Control Board awaiting action in excess of a year and a year and a half simply because of bureaucratic nonsense. The current language without this amendment would place pressure on the board to act expeditiously in these matters. What occurs quite often is that an individual in the process of purchasing a liquor license and transferring it to a new location expends large sums of money—in some cases a quarter of a million dollars and more—and then has to wait around anxiously while the bureaucrats in that agency decide to move forward on his application.

I would have no objection if we increase the number of days, but I think we have to have some sort of remedy to place pressure on the board to either grant or deny some of these licenses. Currently that does not exist, to the detriment of many bona fide, valid licensees.

Mr. President, in our caucus we talked about similar matters. For example, we have a 180-day rule in the criminal courts that requires the courts to act on criminal cases within six months or else let the Commonwealth suffer the detriment of not being able to proceed on that prosecution.

I do not think it is unreasonable in these cases to force the board to act in some sort of reasonable time. The amendment of the gentleman from Blair, Senator Jubelirer, would take away all kinds of pressure and leave available to the individuals court actions sometimes which are meaningless because a mandamus action cannot be sought against the board to do a discretionary act. It really places a great burden upon those individuals who want to transfer liquor licenses in good areas because what it does is penalize them. In the horrible liquor license transfers from one phony corporation to another in a run-down area, those people do not care about this because many times they do not worry about the law to begin with. The bona fide transfer which helps the general economy of this Commonwealth is all too often frustrated because of the bureaucratic nonsense in that agency.

Therefore, Mr. President, I urge a “no” vote on this amendment.

Senator FISHER. Mr. President, I rise in support of the amendment. I think, contrary to what the gentleman from Philadelphia, Senator Fumo, has indicated, I see that the language in the bill which the amendment would delete may cause the board to reject applications when they need more

time. There are many instances when there are some details that are requested by the board in the application process that take more than sixty days to provide. I think if we pass legislation that said any application that was pending and was not acted on by sixty days had to be approved, it would force the board to take arbitrary action in denying the applications. I think for the good of the people who are seeking the application process, we would be making a mistake. It would force them into the courts. The delay in ultimately getting the application issued would take much longer. I think it would be best if we deleted the language that the gentleman from Blair, Senator Jubelirer, is proposing to delete and pass the rest of the bill.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fisher.

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

Senator FISHER. I will, Mr. President.

Senator KELLEY. Mr. President, is it not the statutory authority now that certain applications, licenses and permits with the Department of Environmental Resources are automatically granted by the department failing to respond within a certain period of time?

Senator FISHER. Mr. President, I believe there was legislation that we considered in the Senate both last Session and this Session dealing with oil and gas which proposed a scheme like that. However, I do not think in the bill we passed this Session that language was carried forward. At the same time, I think we are dealing with a little different issue here. Although I support what the gentleman is saying in the environmental area, I am not so sure I support it in the liquor control area as stated.

Senator KELLEY. Mr. President, I think the gentleman makes the point of why we should be opposed to the amendment in the sense that he tries to distinguish without having a difference, and that is what we are dealing with here, our way of controlling the bureaucracy with which we have been dealing for so long with great frustration. That is, we are now, by keeping the language in there that is presently in the bill and being against this amendment, or we will be forcing a bureaucratic agency, a structure, to respond to the applications of citizens of this Commonwealth for a licensure within a certain period of time and the failure to do so then would be an automatic measure.

I believe, Mr. President, this is exactly what we should be doing to have a responsive government. As the gentleman from Allegheny said, I believe, was a distinction without a difference, he supported when we were doing it with licensure under environmental resources in which he ably chairs that committee. I would therefore urge a negative vote.

Senator FUMO. Mr. President, I ask for a roll call vote.

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

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

Senator TILGHMAN. Mr. President, I would like to change my vote from “no” to “aye.”

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

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

YEAS—26

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

NAYS—23

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

Senator JUBELIRER. I move that House Bill No. 224 be laid on the table.

The motion was agreed to.

The PRESIDENT pro tempore. House Bill No. 224, as amended, will be laid on the table.

BILLS ON THIRD CONSIDERATION AMENDED

HB 226 (Pr. No. 2729) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Local Health Administration Law," approved August 24, 1951 (P. L. 1304, No. 315), further providing for State grants to county departments of health and to certain municipalities.

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 Sec. 1 (Sec. 25), page 3, lines 2 through 7, by striking out all of said lines

Amend Sec. 1 (Sec. 25), page 3, lines 17 through 28, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator JUBELIRER. Mr. President, the amendment takes out the special grant language on page 3 beginning with line 2 of the bill.

Senator ZEMPRELLI. Mr. President, I just want to remind the Members, our side of the aisle at any rate, that we are opposed to this amendment.

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—27

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

NAYS—22

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

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

On the question,

Will the Senate agree to the bill on third consideration, as amended?

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

Amend Sec. 1 (Sec. 25), page 13, line 25, by striking out the brackets before and after "not more than"

On the question,

Will the Senate agree to the amendment?

Senator JUBELIRER. Mr. President, this takes out the mandate of seventy-five cents and substitutes the language, "...not more than..." seventy-five cents instead.

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—26

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

NAYS—23

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

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

The PRESIDENT pro tempore. House Bill No. 226 will go over, as amended.

SB 1112 (Pr. No. 1942) — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the practice of speech-language pathologists, audiologists and teachers of the hearing impaired; creating the State Board of Examiners in Speech-Language and Hearing with certain powers and duties; and prescribing penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 4, page 5, line 16, by removing the period after "qualified" and inserting: but not longer than six months beyond the three-year period.

Amend Sec. 4, page 6, line 24, by inserting after "reasonable": travel, hotel and other necessary

Amend Sec. 7, page 10, line 19, by striking out "after consultation with the commissioner" and inserting: in accordance with section 8(a)

Amend Sec. 8, page 12, line 11, by inserting after "application": and examination

Amend Sec. 8, page 12, lines 12 and 13, by striking out "after consultation with the commissioner." and inserting: by regulation and shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. If the revenues generated by fees, fines and civil penalties imposed in accordance with the provisions of this act are not sufficient to match expenditures over a two-year period, the board shall increase those fees by regulation, subject to review in accordance with the Regulatory Review Act, such that the projected revenues will meet or exceed projected expenditures. If the Bureau of Professional and Occupational Affairs determines that fees established by the board are inadequate to meet the minimum enforcement efforts required, then the bureau, after consultation with the board, shall increase the fees by regulation, subject to review in accordance with the Regulatory Review Act, such that adequate revenues are raised to meet the required enforcement effort.

Amend Sec. 9, page 13, lines 9 through 12, by striking out "The board shall have the" in line 9, all of lines 10 and 11, and "this fee" in line 12 and inserting: The purpose of the examination fee which is to be established in accordance with section 8(a)

Amend Sec. 13, page 15, lines 23 and 24, by striking out "after consultation with the commissioner" and inserting: in accordance with section 8(a)

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 WILT.

BILL RECOMMITTED

HB 1177 (Pr. No. 2864) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), providing for certain simulcasting of horse races; defining ownership interest subject to regulation; and providing for monitoring of wagering on video screens.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'CONNELL. Mr. President, I would like to move that House Bill No. 1177, Printer's No. 2864, be recommitted to the Committee on State Government.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, for whatever the merits are on the various amendments that have gone into this bill, it would seem that the overriding issue here should be to dispose of the matter rather than to send it back to committee. I understand that there are various and sundry problems in the interpretation of the various amendments that have been offered and those which are proposed to be offered, but it seems that we are only delaying the inevitable with respect to this legislation, and we should get it behind us once and for all. For that reason, I would ask the Members of my side of the aisle, and all of the Members of the Senate for that matter, to oppose this motion for recommitment.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator O'CONNELL and were as follows, viz:

YEAS—29

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

NAYS—20

Andrezeski	Lincoln	O'Pake	Singel
Bodack	Lloyd	Rocks	Stapleton
Early	Lynch	Romanelli	Stout
Kelley	Mellow	Ross	Williams
Lewis	Musto	Scanlon	Zemprelli

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

The PRESIDENT pro tempore. House Bill No. 1177 is recommitted to the Committee on State Government.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1289 (Pr. No. 1795) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 899, No. 299), entitled "Public Bathing Law," restricting the definition of public bathing place.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Early

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

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

HB 1569 (Pr. No. 2744) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing a tax exemption to surviving spouses of certain veterans.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 1357 (Pr. No. 1924) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), entitled, as amended, "Housing Finance Agency Law," allowing the agency to make loans independently of participation in a Federal Housing Assistance Program; and saving an act from expiration.

Considered the second time and agreed to,

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

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mrs. Icie Dupree and to the Media Veteran of Foreign Wars Post 3460 by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Peter P. Bertone, James Feath and to Mr. and Mrs. Roger Boucher by Senator Early.

Congratulations of the Senate were extended to the School Directors of Carlynton School District and to the Canevin High School Hockey Team by Senator Fisher.

Congratulations of the Senate were extended to Bill Cosby by Senator Greenleaf.

Congratulations of the Senate were extended to Hellmut Fricke-Gottschild by Senator Hankins.

Congratulations of the Senate were extended to Raymond J. Siko by Senator Helfrick.

Congratulations of the Senate were extended to Kenneth E. Wertz by Senator Jubelirer.

Congratulations of the Senate were extended to St. Marks Temple Lutheran Church by Senator Loeper.

Congratulations of the Senate were extended to Jose J. Rodriquez and to Gus Miller by Senator Lynch.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Snively Harrison, Sr. and to the staff members of the Franklin County Prison by Senator Moore.

Congratulations of the Senate were extended to Donald S. Dickson, Jr., by Senator O'Connell.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Harris by Senator Pecora.

Congratulations of the Senate were extended to Melvin Solomon, Easton Knights of Columbus Council No. 345, Lehigh Valley Motor Club and to Senator Henry Hager by Senator Reibman.

Congratulations of the Senate were extended to the Reverend Elmer J. Davis, Cressona Aluminum Company and to the Tamaqua Public Library by Senator Rhoades.

Congratulations of the Senate were extended to Henry Koerner by Senator Romanelli.

Congratulations of the Senate were extended to the citizens of Beaver County by Senators Ross and Stout.

Congratulations of the Senate were extended to the Church of the Resurrection of Pittsburgh by Senator Scanlon.

Congratulations of the Senate were extended to Walter L. Fry, Donald L. Fleisher, Richard L. Guida and to Thomas M. Shank by Senator Shumaker.

Congratulations of the Senate were extended to Reverend and Mrs. Donald G. Eller, Father Bernard A. Siegle and to Mr. John E. Sroka by Senator Singel.

Congratulations of the Senate were extended to Mr. and Mrs. W. Vance Steele, Mr. and Mrs. Anthony Yanity and to the Indiana County Guidance Center by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Herron, Mr. and Mrs. James Kelley, Mr. and Mrs. Rolland Snee, Stanley Eric Bell, The Catholic Daughters of the Americas of Donora and to Wheeler and Associates of Cleveland, Ohio by Senator Stout.

Congratulations of the Senate were extended to Father Albert Koser by Senators Stout and Zemprelli.

Congratulations of the Senate were extended to Joseph L. Pollock by Senator Williams.

Congratulations of the Senate were extended to Gay B. Banes, Esquire by Senator Zemprelli.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore 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 PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

May 7, 1984.

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 Mary Elizabeth Wright, R. D. 4, Lenape and Unionville Roads, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Joan Host, Tunkhannock, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA FISH COMMISSION

May 7, 1984.

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 J. Kern (District Eight), 4254 Main Street, Whitehall 18052, Lehigh County, Forty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Fish Commission, to serve until the second Tuesday of January, 1992, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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 William H. Combs, 810 Mount Moro Road, Villanova 19085, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified, vice Maxwell Whiteman, Elkins Park, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate David Eisenhower, Foxall Lane, Berwyn 19312, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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 A. Fisher, 1422 Oliver Building, Pittsburgh 15222, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified, vice Arthur Ziegler, Jr., Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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 Hannah L. Henderson, 316 Willings Alley, Philadelphia 19106, Philadelphia County, First Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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 Doctor Leroy Patrick, 233 Mayflower Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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 Vivian W. Piasecki, Tunbridge Road, Haverford 19041, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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 Denise L. Robison, 2100 South Shore Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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 Janet B. Ross, 145 Booth Lane, Haverford 19041, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

May 7, 1984.

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 Lula M. Witherow, 348 Arbor Way, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY

May 7, 1984.

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 Nate Smith, 7140 McPherson Boulevard, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve for seven years and until his successor shall be duly appointed and qualified, vice Leonard Goldfine, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF SCOTLAND SCHOOL FOR
VETERANS' CHILDREN

May 7, 1984.

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 Mary-Linda Sorber Merriam, Ph.D., Wilson College, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, vice Malvina Dickerson, Philadelphia, whose term expired.

DICK THORNBURGH.

MEMBER OF THE ALLEGHENY COUNTY
BOARD OF ASSISTANCE

May 7, 1984.

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 Dolores Ferguson (Republican), 114 Orin Street, Pittsburgh 15235, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1985, and until her successor is duly appointed and qualified, vice Paul L. Pyeritz, Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE ALLEGHENY COUNTY
BOARD OF ASSISTANCE

May 7, 1984.

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 Norman C. Restaine (Democrat), 11521 Gardenia Drive, Pittsburgh 15235, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the Allegheny County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Richard G. Lewis, Pittsburgh, whose term expired.

DICK THORNBURGH.

MEMBER OF THE UNION COUNTY
BOARD OF ASSISTANCE

May 7, 1984.

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 Harris A. Lemon (Republican), R. D. 3, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1985, and until his successor is duly appointed and qualified, vice Ethel L. Derr, Laurelton, resigned.

DICK THORNBURGH.

RECALL COMMUNICATIONS
LAID ON THE TABLE

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

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

May 7, 1984.

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 January 3, 1984 for the appointment of Ken Ross, 6226 Mellon Park Court, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1987, and until his successor is appointed and qualified, vice Ray M. Bollinger, Richland, resigned.

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

DICK THORNBURGH.

DISTRICT JUSTICE

May 7, 1984.

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 January 30, 1984 for the appointment of Kenneth G. Fuhrman, 603 East Penn Avenue, Cleona 17042, Lebanon County, Forty-eighth Senatorial District, as District Justice in and for the County of Lebanon, Magisterial District 3-04, to serve until the first Monday of January, 1986, vice Jacob D. Ensminger, resigned.

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

DICK THORNBURGH.

RECALL COMMUNICATIONS
REFERRED TO COMMITTEE

The PRESIDENT pro tempore 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 MUNICIPAL
POLICE OFFICERS' EDUCATION
AND TRAINING COMMISSION

May 7, 1984.

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 April 18, 1984 for the appointment of Charles W. Staudenmeier, 954 West Areba Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1987, and until his successor is appointed and qualified, vice Todd K. Pagliarulo, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE MUNICIPAL
POLICE OFFICERS' EDUCATION
AND TRAINING COMMISSION

May 7, 1984.

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 April 18, 1984 for the appointment of Jeffrey C. Bartlett, 3024 Duke Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1987, and until his successor is appointed and qualified, vice the Honorable John Gilmore, Greenville, whose term expired.

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

DICK THORNBURGH.

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

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

**MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION**

May 7, 1984.

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 January 3, 1984 for the appointment of Ken Ross, 6226 Mellon Park Court, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1987, and until his successor is appointed and qualified, vice Ray M. Bollinger, Richland, resigned.

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

DICK THORNBURGH.

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

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

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

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

YEAS—29

Bell	Hopper	Lloyd	Singel
Brightbill	Howard	Loeper	Snyder
Corman	Jubelirer	Moore	Stauter
Greenleaf	Kratzer	O'Connell	Street
Hager	Kusse	Rhoades	Tilghman
Helfrick	Lewis	Shaffer	Wenger
Hess	Lincoln	Shumaker	Wilt
Holl			

NAYS—19

Andrezeski	Lynch	Reibman	Stapleton
Bodack	Mellow	Rocks	Stout
Early	Musto	Romanelli	Williams
Fisher	O'Pake	Ross	Zemprelli
Kelley	Pecora	Scanlon	

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

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

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

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

**MEMBER OF THE PHILADELPHIA COUNTY
BOARD OF ASSISTANCE**

May 1, 1984.

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 January 6, 1984 for the appointment of Joseph E. Toner, III (Republican), 3406 Morrell Avenue, Philadelphia 19114, Philadelphia County, Fifth Senatorial District, as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1986, and until his successor is duly appointed and qualified, vice Ralph W. Holmes, Philadelphia, resigned.

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

DICK THORNBURGH.

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

YEAS—48

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

NAYS—0

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

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

BILLS ON FIRST CONSIDERATION

Senator BODACK. 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 1309, 1329, 1330, 1338, 1340, 1341, 1343, 1344 and HB 552.

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

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, yesterday I was privileged to attend as a guest a gathering of what is known as The Blue Knights. The Blue Knights are a motorcycle club that is composed of police officers. In Delaware County they had a gathering of some 400 Blue Knights, police officers who ride motorcycles off duty. They gathered from five states: New York, New Jersey, Delaware, Maryland and Pennsylvania. I was very much interested in the purpose. The purpose was to raise money for the Sunshine Foundation. The Sunshine Foundation is a foundation where they take a terminally ill child and give him a trip or some pleasure like that. Yesterday, these 400 police officers, on their own, raised \$3,000. I think the Commonwealth of Pennsylvania should be proud of our police officers who have returned respectability to motorcycle clubs.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MAY 8, 1984

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|------------|--|---|
| 11:00 A.M. | JUDICIARY (to consider the following Executive Nominations: | Room 460,
4th Floor
Conference Rm.,
North Wing |
| | 1. John M. Feener, Esq.,
Donald J. Lee, Esq.
James H. McLean, Esq.
and Doris A. Smith,
Esq., as Judges, Court of
Common Pleas, Allegheny
County; | |
| | 2. Robert K. Young, Esq.,
as Judge, Court of Common
Pleas, Lehigh County; | |
| | 3. Joseph A. Smyth, Esq.,
as Judge, Court of Common
Pleas, Montgomery County; | |
| | 4. James F. McClure, Esq.,
as Judge, Court of Common | |

Pleas, Snyder/Union Counties;

- 5. Morton Kruse, as Judge,
Municipal Court of
Philadelphia)

11:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 570, 1327 and House Bills No. 922 and 1270)	Room 461, 4th Floor Conference Rm., North Wing
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off the floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations)	Rules Committee Conference Rm.
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WEDNESDAY, MAY 9, 1984

9:00 A.M.	LOCAL GOVERNMENT (to consider House Bills No. 159, 1185, 1359, 1436, 1451, 1840 and 1841)	Room 461, 4th Floor Conference Rm., North Wing
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11:00 A.M.	Public Employees Retirement Study Commission	Room 459, 4th Floor Conference Rm., North Wing
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TUESDAY, MAY 15, 1984

12:30 P.M.	MILITARY AND VETERANS AFFAIRS (to consider Senate Bill No. 375; House Bills No. 1398 and 1711)	Room 460, 4th Floor Conference Rm., North Wing
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THURSDAY, MAY 17, 1984

2:30 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.,
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THURSDAY, JUNE 7, 1984

2:30 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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THURSDAY, JUNE 21, 1984

2:30 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Tuesday, May 8, 1984, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:22 p.m., Eastern Daylight Saving Time.