

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, NOVEMBER 16, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 65

SENATE

MONDAY, November 16, 1981.

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

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

PRAYER

The Chaplain, the Reverend GARY BELLIS, Pastor of the Newport Assembly of God Church, Newport, offered the following prayer:

Let us pray.

Thank you, Father, for these men and women who gather here today. Each one is special, unique and very precious to You. I pray You would help us all to be very conscious of this. God bless their families back home, the wives, the husbands, their children. We know, Lord, that a strong State and a strong Nation rests upon the foundations of the home. I pray for each family represented here. Please help them, God, as they turn to You with any needs that may be pressing upon them right now.

We recognize this afternoon Your authority over all that pertains to government of man. Your word says there is no power but of God. The powers that be are ordained of God. Therefore, we ask for Your wisdom and guidance as the business of State is deliberated upon.

May Your will be done on earth as it is in heaven. In the Name of our Lord, Jesus Christ, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Bellis, who is the guest this week of Senator Moore.

JOURNAL APPROVED

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

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.

LEAVES OF ABSENCE

Senator JUBELIRER asked and obtained temporary leave of absence for Senator HOWARD, for personal reasons, who is on his way to the Capitol.

He also asked and obtained leave of absence for Senator STREET, for the week, for personal reasons.

Senator ZEMPRELLI asked and obtained leave of absence for Senator McKINNEY, for today's Session, for medical reasons.

SENATOR ZEMPRELLI TO VOTE FOR SENATOR LINCOLN

Senator ZEMPRELLI. Mr. President, I would request a legislative leave of absence on behalf of Senator Lincoln who is attending to a legislative function in his district.

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

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:

November 10, 1981

HB 242 — Committee on Environmental Resources and Energy.

November 16, 1981

HB 1512 — Committee on Environmental Resources and Energy.

HB 391 — Committee on Public Health and Welfare.

HB 26 — Committee on Transportation.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 114, 514 and 562 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.

GENERAL COMMUNICATION

DEPARTMENT OF AUDITOR GENERAL FISCAL REPORT

The PRESIDENT. The Chair lays before the Senate the Fiscal Report of the Department of Auditor General for the fiscal year ended June 30, 1979.

**APPOINTMENT OF MEMBER TO COUNCIL  
OF STATE GOVERNMENT'S EASTERN  
REGIONAL CONFERENCE TASK FORCE  
ON THE ENVIRONMENT**

The PRESIDENT. The President pro tempore has appointed the Honorable J. William Lincoln to serve on the Council of State Government's Eastern Regional Conference Task Force on the Environment.

**BILL IN PLACE**

Senator ANDREZESKI presented to the Chair a bill.

**SPECIAL CEREMONY**

The PRESIDENT. The next order of business is a special order of business which will be the swearing in of newly elected Senator Stampone.

**RETURNS OF ELECTION OF SENATOR**

Senator JUBELIRER. Mr. President, as a special order of business at this time, I would request that the Senate proceed to receive the election returns for the Special Election held in the Fourth Senatorial District on November 3, 1981, and that Senator-elect Stampone be sworn as a Member of the Pennsylvania Senate.

The Clerk read the returns of election as follows:

DEPARTMENT OF STATE - BUREAU OF  
ELECTORS  
BALLOT CERTIFICATION AND  
ELECTION RESULT CERTIFICATION  
SPECIAL ELECTION - November 3, 1981  
4th SENATORIAL DISTRICT  
REPUBLICAN

Charles Keeler 11,100

DEMOCRATIC

Nicholas P. Stampone 21,299

INDEPENDENT

John J. Kirkwood 3,202

PHILADELPHIA COUNTY BOARD OF ELECTIONS  
CERTIFICATION AFFIDAVIT

WE HEREBY CERTIFY THAT THE FOREGOING DATA ARE THE OFFICIAL RETURNS AS THEY APPEAR ON THE RECORD OF THE VOTES CAST AT THE SPECIAL ELECTION HEREIN NAMED.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEAL OF OFFICE THIS 6th DAY OF NOVEMBER, 1981.

JOSEPH C. VIGNOLA  
Commissioner

(SEAL)

MARGARET M. TARTAGLIONE  
Commissioner

JOHN F. KANE  
Commissioner

ATTEST:

VINCENT D. GAITLEY  
Chief Clerk

In the Name and Authority of the  
Commonwealth of Pennsylvania

TO THE HONORABLE PRESIDENT AND TO THE MEMBERS OF THE SENATE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the returns of the Special Election held November 3, 1981 for a Member of the Senate of the General Assembly of the Commonwealth of Pennsylvania for the Fourth Senatorial District, as the same have been certified to and filed with the Secretary of the Commonwealth by the Philadelphia County Board of Elections. The following person, having received the highest number of votes in the district, was duly elected a member of the Senate of the General Assembly:

NICHOLAS P. STAMPONE  
PHILADELPHIA COUNTY

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at the City of Harrisburg, this sixteenth day of November in the year of our Lord one thousand nine hundred and eighty-one and of the Commonwealth the two hundred and sixth.

WILLIAM R. DAVIS  
Secretary of the Commonwealth

The PRESIDENT. For the record, the Secretary of the Senate informs the Chair that he has been informed by the Secretary of the Commonwealth that the Senator-elect has filed in his office the accounts and affidavits as required by the Act of June 3, 1937, Public Law 1333, Section 1632.

Before proceeding with the administration of the oath of office, the Chair would like to request the cooperation of all photographers and others who would like to take pictures so that during the actual ceremonies there will be no picture taking. At the conclusion of the administration of the oath, the Chair would request that Senator-elect Stampone stay at the bar for a few minutes for the convenience of anybody who would like to take his picture. At that time the rest of us can be at ease.

### ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT. The next order of business then will be the administration of the oath of office to Senator-elect Stampone.

It is a distinct honor and privilege to have with us today two judges, the Honorable James C. Crumlsh, President Judge of the Commonwealth Court of Pennsylvania, and the Honorable James McDermott, a member of the Philadelphia Court of Common Pleas and the newly elected Justice to the Pennsylvania Supreme Court. Judge Crumlsh has kindly consented to come here today to administer the oath of office to Senator-elect Stampone in accordance with Article VI, Section 3 of the Constitution of Pennsylvania.

We will now proceed to the administration of the oath of office to Senator-elect Stampone. Will the Senator-elect please present himself in front of the rostrum. Please bring with you the Bible which has been placed at your desk.

Please rise.

I now have the honor of presenting Judge Crumlsh who will administer the oath of office to Senator-elect Stampone.

Judge CRUMLISH. Thank you Lieutenant Governor Scranton, Members of the Senate of the State of Pennsylvania, and the family of Nicholas P. Stampone.

(The oath of office was duly administered to Senator-elect Nicholas P. Stampone.)

Judge CRUMLISH. Congratulations Senator Stampone and Godspeed.

(Applause.)

The PRESIDENT. The Senate will be at ease while photographs are taken.

(The Senate was at ease.)

### THANKS OF THE SENATE EXTENDED TO THE HONORABLE JAMES C. CRUMLISH AND THE HONORABLE JAMES T. McDERMOTT

The PRESIDENT. The Chair thanks Judge McDermott and Judge Crumlsh for their participation in today's ceremony.

### REMARKS BY SENATOR NICHOLAS P. STAMPONE

Senator STAMPONE. Mr. President, I always write something down and it never comes out the way it is written.

Mr. President, I would like to thank Judge Crumlsh for taking time out to be here today to perform this historic swearing in. I say historic because it is probably going to be a Senate seat that is going to be eliminated in one year. I would also like to take this opportunity to thank the Senate Members for the courtesy they extended to my family and my friends.

Although he is not here, I would like to acknowledge my thanks to a man who I know did a tremendous job here in the Senate when he was here, a man who did a tremendous job for his constituency at home. I am speaking about none other than Congressman Joseph Smith.

Mr. President, I am very proud to be replacing Joe Smith here in the Senate. I look forward to working with the Senators and the Members of the House. I am also looking forward to a successful year.

(Applause.)

### FAMILY OF SENATOR NICHOLAS P. STAMPONE PRESENTED TO SENATE

SENATOR STAMPONE. Mr. President, if I may, I would like to introduce my family, my wife Dolores, will you stand please? My sons, Nick and Richard, my daughter Kathy, and my son-in-law, Tony. I have a lot of family so you will all have to bear with me just for a minute.

My two brothers and their wives, Joe, Pete, Dora and Joan. Incidentally, this probably will never be said in the Senate again, but these two boys are twins. Believe it or not, it is like night and day.

I have my mother-in-law, Mrs. Slimbock. I have my two brothers-in-law, Bob and Jack and his wife Isabel.

I see my nephews down there looking over, they think I am going to forget them. My two nephews, Joe and Fred, one is an attorney and one is an accountant.

My three uncles, Dan, Tony, Jack and their wives Madeline, Mabel and Alfreda.

Now did I miss anyone behind that pole? That is my family and I thank you very much.

The PRESIDENT. The Chair would like to take this opportunity to welcome Senator Stampone's family. It is a pleasure to have you with us. I would also like to remark that now it is easy to see where all the votes came from for your election.

(Applause.)

### SENATOR JUBELIRER TO VOTE FOR SENATOR RHOADES

Senator JUBELIRER. Mr. President, Senator Rhoades has been called away on legislative business and I would request a temporary legislative leave until after the recess.

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

### SENATOR ZEMPRELLI TO VOTE FOR SENATOR MELLOW

Senator ZEMPRELLI. Mr. President, I just received word that Senator Mellow is on his way here. He has been at a legislative function and I would ask for temporary leave of absence, until he does arrive on the floor.

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

## CALENDAR

## SPECIAL ORDER OF BUSINESS

## HB 1419 CALLED UP OUT OF ORDER

**HB 1419 (Pr. No. 1622)** — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1419 (Pr. No. 1622)** — 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—45

Andrezeski	Hopper	Messinger	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jubelirer	Murray	Singel
Corman	Kelley	O'Connell	Snyder
Fisher	Kusse	O'Pake	Stampone
Fumo	Lewis	Pecora	Stapleton
Gekas	Lincoln	Price	Stauffer
Greenleaf	Loeper	Reibman	Stout
Hager	Lynch	Rhoades	Tilghman
Helfrick	Manbeck	Romanelli	Wilt
Hess	Mellow	Ross	Zemprelli
Holl			

## NAYS—0

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

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

## REQUEST FOR RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate and remind Members of the Committee on Appropriations that there is a committee meeting scheduled to begin immediately in Room 461. I would ask Republican Members of the Senate to report to the first floor caucus room at 3:15 p.m. promptly and we hope to be back on the floor by 4:15 p.m., Mr. President.

## ANNOUNCEMENTS BY MINORITY LEADER

Senator ZEMPRELLI. Mr. President, before making a Senatorial request, I would have an announcement for all of the friends of the gentleman from Philadelphia, Senator Stampone. The gentleman has indicated to me that he would like his contingency to meet him on the front steps of the Capitol immediately, so that they might take the necessary pictures back so that eventually they can hang this picture in the Sons of Italy hall in Philadelphia.

Mr. President, I would also ask that in joining in the request for a recess of the Senate for the purpose of a caucus, understanding that a meeting of the Committee on Appropriations will be held, that we, as the Republicans, would meet at 3:15 p.m. for the purpose of a Democratic caucus and I would ask all Members to be there promptly.

ANN LAND, FORMER SENATE  
LIBRARIAN WELCOMED TO SENATE

Senator PRICE. Mr. President, it is a pleasure to be able to introduce a lady whom we know but have not seen for some time, who is now an elected councilwoman in the City of Philadelphia. I believe she is still here. Will Ann Land stand up please so we can say thanks for coming back?

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

## RECESS

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations, to be followed at 3:15 p.m. by Republican and Democratic caucuses, the Chair declares the Senate in recess.

## AFTER RECESS

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

## COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS  
LAID ON THE TABLE

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 laid on the table:

CORONER IN AND FOR THE  
COUNTY OF CRAWFORD

November 16, 1981.

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 28, 1981 for the appointment of Davis G. Burton, 213 West Spruce Street, Titusville 16354, Crawford County, Twenty-fifth Senatorial District, as Coroner in and for the County of Crawford, to serve until the first Monday of January, 1984, vice Doctor Robert C. Challener, resigned.

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

DICK THORNBURGH.

JUDGE OF COMMONWEALTH COURT

November 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 16, 1981 for the appointment of Lowell A. Reed, Jr., Esquire, 1056 Huntingdon Road, Abington 19001, Montgomery County, Twelfth Senatorial District, as Judge of Commonwealth Court, to serve until the first Monday of January, 1984, vice The Honorable Roy Wilkinson, Jr., State College, confirmed as Justice, Supreme Court of Pennsylvania.

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

DICK THORNBURGH.

MEMBER OF THE CUMBERLAND COUNTY BOARD OF ASSISTANCE

November 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 18, 1981, for the appointment of Sherry K. Allgood (Republican), 343 1/2 East King Street, Shippensburg 17257, Cumberland County, Thirty-third Senatorial District, as a member of the Cumberland County Board of Assistance, to serve until December 31, 1983, and until her successor is duly appointed and qualified, vice Joan Harms, Carlisle, resigned.

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

DICK THORNBURGH.

**CONSIDERATION OF CALENDAR RESUMED**

**REPORT OF COMMITTEE OF CONFERENCE**

**BILL OVER IN ORDER**

**SB 277** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS**

**BILL OVER IN ORDER**

**HB 418** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**

**BILL OVER IN ORDER**

**SB 725** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 814 (Pr. No. 1422)** — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 814.

On the question,

Will the Senate agree to the motion?

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

YEAS—46

Andrezeski	Hess	Mellow	Ross
Bell	Holl	Messinger	Scanlon
Bodack	Hopper	Moore	Shaffer
Corman	Howard	Murray	Singel
Early	Jubelirer	O'Connell	Snyder
Fisher	Kelley	O'Pake	Stapleton
Fumo	Kusse	Pecora	Stauffer
Gekas	Lewis	Price	Stout
Greenleaf	Lincoln	Reibman	Tilghman
Hager	Lloyd	Rhoades	Wilt
Hankins	Loeper	Romanelli	Zemprelli
Helfrick	Manbeck		

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.

**PERMISSION TO ADDRESS SENATE**

Senator LLOYD asked and obtained unanimous consent to address the Senate.

Senator LLOYD. Mr. President, earlier today when we voted on House Bill No. 1419, I was attending a legislative meeting in Room 461. Had I been present at that time, Mr. President, I would have voted in the affirmative and would like to be recorded as having indicated so.

**FINAL PASSAGE CALENDAR**

**BILL ON FINAL PASSAGE**

**SB 1056 (Pr. No. 1241)** — On the question, Shall the bill pass finally?

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

YEAS—46

Andrezeski	Hess	Mellow	Ross
Bell	Holl	Messinger	Scanlon
Bodack	Hopper	Moore	Shaffer
Corman	Howard	Murray	Singel
Early	Jubelirer	O'Connell	Snyder
Fisher	Kelley	O'Pake	Stapleton
Fumo	Kusse	Pecora	Stauffer
Gekas	Lewis	Price	Stout
Greenleaf	Lincoln	Reibman	Tilghman
Hager	Lloyd	Rhoades	Wilt
Hankins	Loeper	Romanelli	Zemprelli
Helfrick	Manbeck		

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.

**THIRD CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**SB 82 and 622** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 644 (Pr. No. 1454)** — 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?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

**YEAS—27**

Bell	Hess	Loeper	Ross
Corman	Holl	Manbeck	Shaffer
Fisher	Hopper	Moore	Snyder
Gekas	Howard	O’Connell	Stauffer
Greenleaf	Jubelirer	Pecora	Tilghman
Hager	Kelley	Price	Wilt
Helfrick	Kusse	Rhoades	

**NAYS—19**

Andrezeski	Lewis	Murray	Singel
Bodack	Lincoln	O’Pake	Stapleton
Early	Lloyd	Reibman	Stout
Fumo	Mellow	Romanelli	Zemprelli
Hankins	Messinger	Scanlon	

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.

**RECONSIDERATION OF SB 644**

**BILL OVER IN ORDER IN FINAL PASSAGE**

**SB 644 (Pr. No. 1454)** — Senator MELLOW. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 644, Printer’s No. 1454, just passed finally.

The motion was agreed to.

And the question recurring,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, I request that Senate Bill No. 644 go over in its order and appear on the Final Passage Calendar.

The PRESIDENT. There being no objection, the bill will be placed on the Final Passage Calendar.

**SENATOR SCANLON TO VOTE FOR  
SENATOR LYNCH**

Senator SCANLON. Mr. President, I request a temporary legislative leave of absence for Senator Lynch.

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

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER**

**SB 1010** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1011 (Pr. No. 1190)** — 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—45**

Andrezeski	Hopper	Mellow	Ross
Corman	Howard	Messinger	Scanlon
Early	Jubelirer	Moore	Shaffer
Fisher	Kelley	Murray	Singel
Fumo	Kusse	O’Connell	Snyder
Gekas	Lewis	O’Pake	Stapleton
Greenleaf	Lincoln	Pecora	Stauffer
Hager	Lloyd	Price	Stout
Hankins	Loeper	Reibman	Tilghman
Helfrick	Lynch	Rhoades	Wilt
Hess	Manbeck	Romanelli	Zemprelli
Holl			

**NAYS—2**

Bell	Bodack
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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 ON THIRD CONSIDERATION AMENDED**

**SB 1012 (Pr. No. 1374)** — Considered the third time,

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator MELLOW, by unanimous consent, offered the following amendment:

Amend Sec. 1 (Sec. 301), page 12, lines 19 and 20, by striking out both of said lines and inserting:

$$I = .03 + W(R1 - .03) + W/2(R2 - .09).$$

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

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

**BILL ON THIRD CONSIDERATION,  
DEFEATED ON FINAL PASSAGE**

**SB 1058 (Pr. No. 1243)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

## YEAS—21

Bell	Holl	Loeper	Shaffer
Corman	Hopper	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Hager	Jubelirer	Price	Tilghman
Helfrick	Kusse	Rhoades	Wilt
Hess			

## NAYS—26

Andrezeski	Kelley	Messinger	Ross
Bodack	Lewis	Murray	Scanlon
Early	Lincoln	O'Pake	Singel
Fumo	Lloyd	Pecora	Stapleton
Gekas	Lynch	Reibman	Stout
Greenleaf	Manbeck	Romanelli	Zemprelli
Hankins	Mellow		

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

## BILL OVER IN ORDER

**SB 1094** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1101 (Pr. No. 1412)** — 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—47

Andrezeski	Hess	Manbeck	Ross
Bell	Holl	Mellow	Scanlon
Bodack	Hopper	Messinger	Shaffer
Corman	Howard	Moore	Singel
Early	Jubelirer	Murray	Snyder
Fisher	Kelley	O'Connell	Stapleton
Fumo	Kusse	O'Pake	Stauffer
Gekas	Lewis	Pecora	Stout
Greenleaf	Lincoln	Price	Tilghman
Hager	Lloyd	Reibman	Wilt
Hankins	Loeper	Rhoades	Zemprelli
Helfrick	Lynch	Romanelli	

## NAYS—0

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

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

**SB 1110 (Pr. No. 1392)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 4, by inserting after "penalties,"": further providing for compensation of the board and

Amend Sec. 1, page 1, line 9, by striking out "Section" where it appears the second time and inserting: Subsection (b) of section 4 and section

Amend Sec. 1, page 1, line 10, by striking out "is" and inserting: are

Amend Bill, page 1, by inserting between lines 10 and 11:

Section 4. County Retirement System; County Retirement Board.—\* \* \*

(b) The system, when established, shall be administered by a county retirement board, consisting of [five] six members, three of whom shall be the county commissioners, the county controller, [and] the county treasurer and one person elected by ballot among the members of the retirement system who shall be retired as defined by clause (6) of section 2. Ballots shall be mailed to each member of the retirement system at least twenty days prior to the date of election. A vacancy occurring during the term of any member of the board shall be filled for the unexpired term by special election of a successor in the same manner as his predecessor. A majority of the members of the board shall constitute a quorum for the transaction of business. In counties having no elected county controller, the chief clerk of the county shall be a member of the board. The chairman of the board of county commissioners shall be chairman of the board. Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board, and that he will not knowingly violate or permit to be violated any of the provisions of this act. Such oath shall be subscribed by the member taking it, and shall be filed among the records of the board. The members of the board shall not receive any compensation for their services, but shall be reimbursed for all expenses necessarily incurred in the performance of their duty. [Three] Four members of the board shall constitute a quorum.

On the question,

Will the Senate agree to the amendments?

Senator KELLEY. Mr. President, throughout the course of years we have had occasion to consider the makeup of various boards and commissions of this Commonwealth. It has been a national trend and a statewide trend that we have followed in Pennsylvania, the most noteworthy of which I would suggest is the students in the State colleges, one of them being a member of the board of trustees of their State colleges. We have talked in terms of having consumer representation on various boards.

Mr. President, these amendments just increase the membership of the retirement boards of the counties of the third class and thereafter include a member who is retired from the system to be a member of that board.

Mr. President, we have already had, and it is in the annals of law of the Commonwealth, in the second class counties where there are two people within the system in addition to the elected officials to serve on the retirement board who were members.

I believe that any one of the Members of the Senate who in the past have supported a student being a representative of the board of trustees of the college or in the environmental groups where we try to have their representation in the regulatory

agencies, I think we should be very considerate here in the fact that the retirees in a county system of the third class and thereafter should have representation.

Mr. President, I urge an affirmative vote.

Senator HOWARD. Mr. President, I desire to interrogate the gentleman from Westmoreland, Senator Kelley.

The PRESIDENT. Will the gentleman from Westmoreland, Senator Kelley, permit himself to be interrogated?

Senator KELLEY. I will, Mr. President.

Senator HOWARD. Mr. President, I wonder if the gentleman from Westmoreland, Senator Kelley, could tell the Senate whether he anticipates that the member that would be added to that board by these amendments would be elected by the general public?

Senator KELLEY. Mr. President, I anticipate not. The language that is here for the election is the same as is in the second class county code. The ballots would go out to those members who are retired within that particular county's retirement system.

Senator HOWARD. Mr. President, I wonder if the gentleman could also tell us whether he realizes, unlike the State pension boards, that the county boards actually have the authority for changing benefit structures through a vote on that board, as well as taxing authority that goes with their elected position?

Senator KELLEY. Mr. President, I am very much aware of it. I served as a member of the Westmoreland County retirement system when I was a County Commissioner of Westmoreland County prior to coming to the Senate. I am quite aware of the activities and I feel these amendments would be an enhancement to the confidence of the public, as well as the employees currently in the system and those beneficiaries who are now retired.

Senator HOWARD. Mr. President, I plan to vote against these amendments and would encourage the Members of the Senate to oppose them as well. The notion of having an individual on the local pension boards that is not elected by the general public, that does not have the accountability through the ballot boxes for decisions that he makes, I think is a serious flaw. I recognize there is precedent to the contrary but all of us realize that many of our local pension funds are in desperate trouble at this point. I feel to place a person on these boards whose only motivation would be the expansion of benefits without the responsibility of answering to that view through the ballot box would be a very serious step to take and I urge that these amendments be defeated.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—23

Andrezeski	Kelley	Messinger	Scanlon
Bodack	Lewis	Murray	Singel
Early	Lincoln	O'Connell	Stapleton
Fisher	Lloyd	O'Pake	Stout
Fumo	Lynch	Romanelli	Zemprelli
Hankins	Mellow	Ross	

NAYS—24

Bell	Hess	Loeper	Rhoades
Corman	Holl	Manbeck	Shaffer
Gekas	Hopper	Moore	Snyder
Greenleaf	Howard	Pecora	Stauffer
Hager	Jubelirer	Price	Tilghman
Helfrick	Kusse	Reibman	Wilt

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was 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—47

Andrezeski	Hess	Manbeck	Ross
Bell	Holl	Mellow	Scanlon
Bodack	Hopper	Messinger	Shaffer
Corman	Howard	Moore	Singel
Early	Jubelirer	Murray	Snyder
Fisher	Kelley	O'Connell	Stapleton
Fumo	Kusse	O'Pake	Stauffer
Gekas	Lewis	Pecora	Stout
Greenleaf	Lincoln	Price	Tilghman
Hager	Lloyd	Reibman	Wilt
Hankins	Loeper	Rhoades	Zemprelli
Helfrick	Lynch	Romanelli	

NAYS—0

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

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

BILL OVER IN ORDER

**SB 1147** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1156 (Pr. No. 1376)** — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I would remind the Members of our caucus that we had a long discussion about the particular bill before us and the action we would take on Senate Bill No. 1156. It is my recollection we concluded that we were going to vote in the negative, Mr. President.

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—27

Bell	Hess	Loeper	Shaffer
Corman	Holl	Manbeck	Snyder
Fisher	Hopper	Moore	Stauffer
Gekas	Howard	O'Connell	Stout
Greenleaf	Jubelirer	Pecora	Tilghman
Hager	Kusse	Price	Wilt
Helfrick	Lincoln	Rhoades	

## NAYS—20

Andrezeski	Kelley	Messinger	Ross
Bodack	Lewis	Murray	Scanlon
Early	Lloyd	O'Pake	Singel
Fumo	Lynch	Reibman	Stapleton
Hankins	Mellow	Romanelli	Zemprelli

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.

## BILLS OVER IN ORDER

**HB 1342 (Pr. No. 2465)** — Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

Senator SCANLON. Mr. President, this bill was not considered by our caucus. Our caucus had it marked to go over and I would like to ask the Chair to reconsider the vote by which it was considered for the third time. I would respectfully request House Bill No. 1342 go over in its order.

The PRESIDENT. The Chair reverses its decision by which House Bill No. 1342 was agreed to on third consideration and in the absence of objection House Bill No. 1342 will go over in its order on third consideration.

**HB 1351** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

## BILL RECOMMENDED

**HB 1824 (Pr. No. 2301)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER, by unanimous consent, offered the following amendments:

Amend Sec. 4 (Sec. 515), page 6, lines 14 through 20, by striking out all of said lines

Amend Sec. 6, page 6, lines 24 and 25, by striking out " , shall be retroactive to January 1, 1967,"

On the question,

Will the Senate agree to the amendments?

Senator FISHER. Mr. President, I offer an amendment—

Senator EARLY. Mr. President, I make a motion to recommit Senate Bill No. 1824—

The PRESIDENT. The gentleman is out of order at this time.

Senator EARLY. Mr. President, but the motion takes precedent, Mr. President.

The PRESIDENT. The Chair has already recognized Senator Fisher and when his remarks are concluded we will recognize Senator Early.

Senator EARLY. Mr. President, it is my understanding that a motion to recommit takes precedence over a motion to amend.

The PRESIDENT. That is correct but the gentleman must be officially recognized in order to make the motion. The Chair has recognized Senator Fisher. Upon the conclusion of his remarks and prior to consideration of the amendments the Chair will recognize Senator Early.

Senator FISHER. Mr. President, my amendments would delete two of the provisions that are contained on page 6 of House Bill No. 1824. The first provision my amendments would delete would be Section 515, which is the provision that would say, "No action shall lie, nor liability attach..." as a result of the amendments that are included within Section 513 and 514 of House Bill No. 1824.

The reason I believe that section should be deleted is I do not believe this General Assembly can say by act of the Legislature we are going to deny the citizenry of this Commonwealth the access to the courts to determine the constitutionality or to determine any other aspect of this act. I think it is faulty for us to attempt to do so and consequently I am striking that section which has been referred to as the limitation on one's ability to sue.

The second part of my amendments would delete the wording on page 6, lines 24 and 25 that say the provisions of this act "...be retroactive to January 1, 1967." Now I do not know of any body of law in this Commonwealth that either our State courts or the Federal courts would adhere to that would allow us to stretch our rights and privileges under the Constitution to adopt legislation and thereby change the substantive law of this Commonwealth and take it all the way back for a period of fourteen years. I think this is highly improper and accordingly I believe if the bill is to be considered on its merits it should be a bill that is considered and should be applied prospectively and should apply only to the law as it would exist in this Commonwealth from the date of an enactment and signing in those dates forward.

Mr. President, as a consequence I ask my colleagues in the Senate for the support of these amendments, which I believe go a long way into cleaning up this bill and perhaps putting it in the position for final passage.

## MOTION TO RECOMMIT

Senator EARLY. Mr. President, I now make a motion to recommit House Bill No. 1824, Printer's No. 2301, to the Committee on Public Health and Welfare.

On the question,

Will the Senate agree to the motion?

Senator JUBELIRER. Mr. President, we would oppose the motion of the gentleman from Allegheny, Senator Early, and ask all Members of the Senate to give the Senate the opportunity to vote on the amendments of the gentleman from Allegheny, Senator Fisher. I think they are constructive amendments, and we should give this Body a chance to vote on what

I think is an extremely important piece of legislation, one which has far-reaching effects on the Commonwealth. As those who were concerned about the emission control policy that was being dictated from Washington, so should those Members be concerned about the broader decision on Penhurst which further affects the ability of the General Assembly to determine its own destiny.

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

(During the calling of the roll, the following occurred:)  
Senator WILT. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

#### YEAS—27

Andrezeski	Lincoln	Pecora	Shaffer
Bodack	Lloyd	Price	Singel
Early	Lynch	Reibman	Stapleton
Fumo	Mellow	Rhoades	Stout
Hankins	Messinger	Romanelli	Wilt
Kelley	Murray	Ross	Zemprelli
Lewis	O'Pake	Scanlon	

#### NAYS—20

Bell	Hager	Howard	Moore
Corman	Helfrick	Jubelirer	O'Connell
Fisher	Hess	Kusse	Snyder
Gekas	Holl	Loeper	Stauffer
Greenleaf	Hopper	Manbeck	Tilghman

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

The PRESIDENT. House Bill No. 1824 will be recommitted to the Committee on Public Health and Welfare.

### SECOND CONSIDERATION CALENDAR

#### BILL RECOMMITTED

**HB 82 (Pr. No. 2353)** — Upon motion of Senator STAUFFER, and agreed to, the bill was recommitted to the Committee on Finance.

#### BILLS OVER IN ORDER

**SB 171, HB 191, 230, 453, SB 513, 536 and HB 558** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

#### BILL REREFERRED

**HB 675 (Pr. No. 2508)** — Upon motion of Senator STAUFFER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**HB 696, SB 713 and HB 717** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

#### BILL REREFERRED

**SB 800 (Pr. No. 849)** — Upon motion of Senator STAUFFER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**SB 1015** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

#### BILLS ON SECOND CONSIDERATION

**SB 1041 (Pr. No. 1222), SB 1042 (Pr. No. 1223) and SB 1044 (Pr. No. 1225)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL REREFERRED

**SB 1047 (Pr. No. 1433)** — Upon motion of Senator STAUFFER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS OVER IN ORDER

**SB 1051, 1098 and 1112** — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

#### BILLS REREFERRED

**HB 1125 (Pr. No. 1709) and HB 1126 (Pr. No. 1710)** — Upon motion of Senator STAUFFER, and agreed to, the bills were rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**SB 1132** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

#### BILLS ON SECOND CONSIDERATION

**HB 1168 (Pr. No. 2295), HB 1215 (Pr. No. 2136) and HB 1423 (Pr. No. 1626)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL REREFERRED

**HB 1575 (Pr. No. 2423)** — Upon motion of Senator STAUFFER, and agreed to, the bill was rereferred to the Committee on Appropriations.

### FIRST CONSIDERATION CALENDAR

#### BILL ON FIRST CONSIDERATION

**SB 377 (Pr. No. 1455)** — Considered the first time and agreed to,

Ordered, To be transcribed for a second consideration.

### HOUSE CONCURRENT RESOLUTION NO. 20, CALLED UP

Senator STAUFFER, without objection, called up from page 9 of the Calendar, House Concurrent Resolution No. 20, entitled:

General Assembly memorialize President, Congress and Department of Defense continue investigation of Americans listed missing in action.

On the question,

Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE  
CONCURRENT RESOLUTION NO. 20**

Senator STAUFFER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 20.

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

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

**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:

**JUDGE OF COMMONWEALTH COURT**

November 16, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 16, 1981 for the appointment of Lowell A. Reed, Jr., Esquire, 1056 Huntingdon Road, Abington 19001, Montgomery County, Twelfth Senatorial District, as Judge of Commonwealth Court, to serve until the first Monday of January, 1984, vice The Honorable Roy Wilkinson, Jr., State College, confirmed as Justice, Supreme Court of Pennsylvania.

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

**DICK THORNBURGH.**

**NOMINATION RETURNED TO THE GOVERNOR**

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

The motion was agreed to.

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

**UNFINISHED BUSINESS  
REPORTS FROM COMMITTEES**

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported, as committed, **SB 1135**.

Senator TILGHMAN, from the Committee on Appropriations, rereported, as committed, **SB 179, 796, HB 145, 312 and 427**; as amended, **SB 63, 1081 and HB 305**; reported, as committed, **HB 1546**.

**ADMINISTRATIVE RULES REPORTS  
REPORTED FROM COMMITTEE**

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported, as committed, Administrative Rules Reports **No. 5 and 6**.

**BILL IN PLACE**

Senator MOORE presented to the Chair a bill.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to the Reverend Father Robert M. Murphy by Senator Bodack.

Congratulations of the Senate were extended to Auxiliary Bishop Louis A. DeSimone by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Ness by Senator Hopper.

Congratulations of the Senate were extended to the Albert G. Branch Class of Eagle Scouts by Senators Hopper, Gekas and Moore.

Congratulations of the Senate were extended to Mr. and Mrs. Charles R. Aungst, Mr. and Mrs. John E. Burkholder, Mr. and Mrs. Elton Clark, Dr. and Mrs. Gerald Collins, Mr. and Mrs. Francis P. Conroy, Mr. and Mrs. Lawrence Cupp, Mr. and Mrs. Robert H. Diehl, Mr. and Mrs. Cecil Fox, Mr. and Mrs. George A. Harshberger, Mr. and Mrs. Martin Kiehl, Mr. and Mrs. James Louder, Mr. and Mrs. James F. McIntire, Mr. and Mrs. Luigi Martino, Mr. and Mrs. Harold J. Porte, Mr. and Mrs. Dean H. Reynolds Sr., Mr. and Mrs. Julius R. Romagnoli, Mr. and Mrs. Richard Shoemaker, Mr. and Mrs. John Stains, Mr. and Mrs. James A. Ulrich, Mr. and Mrs. Boyd Wertz, Mr. and Mrs. Frank Wesner and to Mr. and Mrs. John C. Wissinger by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Frank R. Smith by Senator Messinger.

Congratulations of the Senate were extended to Bob Kearn by Senator Reibman.

Congratulations of the Senate were extended to The Honorable William R. Balph Jr., Mr. G. Russell Gibson, Ralph R. Graham, Harry F. Pepper, Frank V. Petrone and to Barry R. Webster by Senator Shaffer.

Congratulations of the Senate were extended to Morris "Snuffy" Lewis and to Mr. and Mrs. Merle "Andy" Silvis by Senator Stapleton.

**BILLS ON FIRST CONSIDERATION**

Senator STAUFFER. 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 1135 and HB 1546.**

And said bills having been considered for the first time,  
Ordered, To be laid aside for second consideration.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

#### MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

November 16, 1981.

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 Kenneth R. Bayless, Esquire, 1115 East Broad Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 1985, and until his successor shall have been appointed and qualified, vice Maurice Abrams, Esquire, Wyncote, whose term expired.

DICK THORNBURGH.

#### MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

November 16, 1981.

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 Ms. Gloria Sue Westlund, Box 274, R. D. 4, York 17404, York County, Thirty-first Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 1987, and until her successor shall have been appointed and qualified, vice James P. Breslin, Hazleton, whose term expired.

DICK THORNBURGH.

## HOUSE MESSAGES

### HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 671**.

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

## GENERAL COMMUNICATIONS

### SENATE RESOLUTIONS

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

November 16, 1981

### MEMORIALIZING PRESIDENT AND CONGRESS REFRAIN FROM CLOSING LOCKS ON THE ALLEGHENY, MONONGAHELA AND OHIO RIVERS

Senator SHAFFER offered the following resolution (**Serial No. 64**), which was read and referred to the Committee on Transportation:

In the Senate, November 16, 1981

The locks on the Allegheny, Monongahela and Ohio Rivers mean much to the citizenry, the commerce and the scenic value of the area of Pennsylvania through which those rivers flow.

The proposed closing of those locks has received the attention of people through Pennsylvania and the Nation. They realize that the closing of the locks would adversely affect commerce on the river, the general business conducted in the area and constitute a diminution of the scenic beauty where they are located; therefore be it

RESOLVED, That the Senate memorialize Congress and the President of the United States to refrain from closing the locks on the Allegheny, Monongahela and Ohio Rivers; and be it further

RESOLVED, That copies of this resolution be sent to President Ronald Reagan, to the presiding officers of the United States Senate and to each member of the Pennsylvania delegation in Congress.

### AMENDING SENATE RULE 37, SECTION 5

Senators STAUFFER, SCANLON, LOEPER, SNYDER, LEWIS and MESSINGER offered the following resolution (**Serial No. 65**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 16, 1981

RESOLVED, That Senate Rule XXXVII, section 5, paragraph 2 be amended to read:

#### XXXVII COMMITTEE ON ETHICS AND OFFICIAL CONDUCT

\*\*\*

5. \*\*\*

The committee shall conduct its investigations, hearings and meetings relating to a specific investigation or a specific member, officer or employee of the Senate in closed session and the fact that such investigation is being conducted or is to be conducted or that hearings or such meetings are being held or are to be held shall be confidential information unless the person subject to investigation advises the committee in writing that he elects that such meetings or hearings shall be held publicly: Provided, however, That whenever the committee is conducting an investigation of an employee of the Senate the committee shall inform the Senator or officer supervising such employee of the investigation. In the event of such an election, the committee shall furnish such person a public meeting or hearing. All other meetings of the committee shall be open to the public and notice of such meetings shall be given as generally provided in these rules for the convening of committees.

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### AMENDING SENATE RULES BY ADDING RULE 39

Senators STAUFFER, SCANLON, LOEPER, SNYDER, LEWIS and MESSINGER offered the following resolution (**Serial No. 66**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 16, 1981

RESOLVED, That the Senate rules be amended by adding a rule to read:

**XXXIX STATUS OF OFFICERS OR EMPLOYEES  
INDICATED OR CONVICTED OF A CRIME**

1. Whenever any officer or employee of the Senate is indicted or otherwise charged before a court of record with the commission of a felony or misdemeanor the gravamen of which relates to the officer's or employee's conduct or status as an officer or employee of the Commonwealth or the disposition of public funds, such employee shall immediately be suspended without pay and benefits by the Chief Clerk. After a finding or a verdict of guilt by a judge or a jury, plea or admission of guilt, or plea of nolo contendere, and upon imposition of sentence, the employment shall be terminated.

2. If the indictment is quashed, or the court finds that the officer or employee is not guilty of the offense alleged, the suspension without pay shall be terminated, and the officer or employee shall receive compensation for the period of time during which the officer or employee was suspended which compensation shall be reduced by the amount of any compensation said officer or employee earned from other employment during the period of suspension.

3. If the officer or employee or the supervising Senator of such employee disagrees with the decision of the Chief Clerk as to whether an indictment for particular conduct shall be a crime requiring suspension or dismissal, the officer or employee in question or the supervising Senator, may appeal the suspension to the Committee on Ethics and Official Conduct which shall determine whether the conduct charged is an offense requiring suspension. Whenever an appeal of a suspension shall be taken to the committee, the suspension shall remain effective pending a decision by the committee.

**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:

November 16, 1981

Senators REIBMAN, O'CONNELL, FUMO, SINGEL, MOORE, O'PAKE, EARLY, MESSINGER, SCANLON, GREENLEAF, RHOADES and MELLOW presented to the Chair **SB 1204**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for rate filing and the setting of premium rates for workmen's compensation insurance.

Which was committed to the Committee on BANKING AND INSURANCE, November 16, 1981.

Senators WILT, HELFRICK, KUSSE, MELLOW, MESSINGER, ROMANELLI, ANDREZESKI, SHAFFER, O'CONNELL, MOORE, MANBECK, RHOADES, REIBMAN and STAPLETON presented to the Chair **SB 1205**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further restricting the use of personal information on the application which is required when purchasing a hunting and trapping license.

Which was committed to the Committee on GAME AND FISHERIES, November 16, 1981.

Senators GEKAS, ZEMPRELLI and FISHER presented to the Chair **SB 1206**, entitled:

A Supplement to the act of July 9, 1976 (P. L. 586, No. 142), entitled "Judiciary Act of 1976," adding certain provisions of existing law to and making conforming, redesignation and editorial changes in certain provisions of the Pennsylvania Consolidated Statutes, making revisions, corrections and additions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities and repealing certain acts and parts of acts supplied by the act as heretofore supplemented and as supplemented hereby.

Which was committed to the Committee on JUDICIARY, November 16, 1981.

Senators FISHER, O'CONNELL, LINCOLN, SHAFFER, HELFRICK, WILT, MANBECK and GREENLEAF presented to the Chair **SB 1207**, entitled:

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, adding provisions relating to water resources projects and making repeals.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 16, 1981.

Senators GEKAS, HOWARD, JUBELIRER, RHOADES, MOORE and ZEMPRELLI presented to the Chair **SB 1208**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of cruelty to animals.

Which was committed to the Committee on JUDICIARY, November 16, 1981.

Senators O'CONNELL, MANBECK, WILT, BELL, MCKINNEY, KELLEY and FUMO presented to the Chair **SB 1209**, entitled:

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements and providing for the nomination and election of Congressmen.

Which was committed to the Committee on STATE GOVERNMENT, November 16, 1981.

Senators WILT, KUSSE, LINCOLN, GREENLEAF, STOUT, EARLY, REIBMAN, STAPLETON, MELLOW, ANDREZESKI and MANBECK presented to the Chair **SB 1210**, entitled:

An Act amending the act of November 30, 1955 (P. L. 756, No. 225), entitled, as amended, "Gas Operations Well-Drilling Petroleum and Coal Mining Act," changing definitions, requiring registration, notification of transfer of wells, responsibility of well drillers to department; well permits and distance regulations; responsibility to plug wells; casing requirements; indemnity bonds; plugging requirements; creation of coal, oil and gas technical board; safety devices; filing maps; storage reservoir obligations; inspection; appeals; enforcement and penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 16, 1981.

Senators ANDREZESKI, O'PAKE and REIBMAN presented to the Chair **SB 1211**, entitled:

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), entitled "The First Class City Permanent Registration Act," changing the cutoff days for voter registration.

Which was committed to the Committee on STATE GOVERNMENT, November 16, 1981.

Senators ANDREZESKI, O'PAKE and REIBMAN presented to the Chair SB 1212, entitled:

An Act amending the act of April 29, 1939 (P. L. 487, No. 115), entitled, as reenacted and amended, "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships," changing the cutoff days for voter registration.

Which was committed to the Committee on STATE GOVERNMENT, November 16, 1981.

Senator ANDREZESKI presented to the Chair SB 1213, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," changing the days for the conduct of elections.

Which was committed to the Committee on STATE GOVERNMENT, November 16, 1981.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, NOVEMBER 17, 1981

9:00 A.M.	AGING AND YOUTH (reconvening of recessed meeting)	Room 460, 4th Floor Conference Rm., North Wing
9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1190; House Bills No. 554, 904 and 930)	Room 459, 4th Floor Conference Rm., North Wing
9:30 A.M.	FINANCE (to hold confirmation hearings for Secretary of the Department of Revenue)	Room 461, 4th Floor Conference Rm., North Wing
11:00 A.M.	STATE GOVERNMENT (to consider House Bills No. 706, 1039; Senate Bills No. 398, 685, 810, 846, 1026, 1027, 1160 and 1161)	Room 460, 4th Floor Conference Rm., North Wing
11:00 A.M.	JUDICIARY (to consider Senate Bills No. 128, 1150, 1151, 1152, 1153, 1208; House Bills No. 1175 and 1812)	Room 461, 4th Floor Conference Rm., North Wing
off the floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain Executive Nominations; Senate Resolutions No. 65	Rules Committee Conference Rm.

and 66)

4:30 P.M.	STATE GOVERNMENT (to consider Senate Bill No. 1209)	Room 459, 4th Floor Conference Rm., North Wing
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WEDNESDAY, NOVEMBER 18, 1981

9:30 A.M.	LEGISLATIVE BUDGET AND FINANCE COMMITTEE	Room 461, 4th Floor Conference Rm., North Wing
11:30 A.M.		
11:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 851, 852, 937, 1018, 1019, 1089, 1122; House Bills No. 239, 960, 963, 1333, 1384, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1699 and 1700)	Room 459, 4th Floor Conference Rm., North Wing

THURSDAY, NOVEMBER 19, 1981

9:30 A.M.	URBAN AFFAIRS AND HOUSING (Public Hearing on Redevelopment Assistance Program)	Room 461, 4th Floor Conference Rm., North Wing
3:30 P.M.		

MONDAY, DECEMBER 14, 1981

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bills No. 125, 815 and 1218)	Room 460, 4th Floor Conference Rm., North Wing
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ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Tuesday, November 17, 1981, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:15 p.m., Eastern Standard Time.