

Legislative Journal

TUESDAY, MARCH 27, 1984

SESSION OF 1984 168TH OF THE GENERAL ASSEMBLY

No. 20

SENATE

TUESDAY, March 27, 1984.

The Senate met at 1:00 p.m., Eastern Standard Time.

The PRESIDING OFFICER (William J. Moore) in the Chair.

PRAYER

The Chaplain, the Reverend Mr. LOUIS LaGATTA, Pastor of the Christian Assembly Church, New Castle, offered the following prayer:

For those who choose to pray, would you bow your heads at this time, please.

Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, on earth as it is in heaven.

We thank You, Lord, that we can approach Your throne of grace today. We thank You for this, another day of life, and we ask You today, as this Senate is about to begin, to guide and direct the hearts and the minds of each individual as they make decisions according to the needs of their people and the state as a whole.

We thank You that we can call upon Your name. We ask You for wisdom and guidance. In Your precious name, we ask all these things. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 26, 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.

GUESTS OF SENATOR CLARENCE D. BELL PRESENTED TO SENATE

Senator BELL. Mr. President, in the gallery we have as guests of the Senate members of the Upper Chichester senior citizens group. Incidentally, for the benefit of the Members of the Senate, the picture of George Washington leading the American troops from Philadelphia to Wilmington before the Battle of Brandywine that is in the front left of the Chamber, those same troops marched through the township from whence these folks came. I request that the Chair give the greetings of the Senate to these fine people.

The PRESIDING OFFICER. If the guests of Senator Bell will rise in the gallery, the Senate will give them its usual warm welcome.

(Applause.)

GUESTS OF SENATOR WILLIAM J. MOORE PRESENTED TO SENATE

The PRESIDING OFFICER. The Chair would also like to acknowledge the presence in the gallery of three constituents: Reverend Donald Foose, Reverend Dale Barrick and Mr. Paul Reese and ask my colleagues in the Senate to give them its usual warm welcome.

(Applause.)

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, I request temporary legislative leaves of absence for Senator Street who has a meeting in Philadelphia which will end shortly and he should be with us a little later in the afternoon, and Senator O'Connell who is having a meeting on environmental problems with the Secretary of the Department of Environmental Resources.

The PRESIDING OFFICER. Senator Stauffer requests a Capitol legislative leave of absence for Senator O'Connell and a temporary legislative leave of absence for Senator Street. Are there any objections? The Chair hears none and the leaves are granted.

Senator SCANLON. Mr. President, I am requesting a legislative leave of absence for today's Session for Senator Lynch who is attending a meeting in Philadelphia with his constituents to discuss certain road conditions in his area. I am requesting Capitol legislative leave of absence for Senator Zemprelli who is a conferee at a Committee of Conference here in the Capitol. I am also requesting Capitol legislative leaves of absence for Senator Musto and Senator Mellow who flew up to their district to discuss with DER the problem of giardiasis in their water supply.

The PRESIDING OFFICER. Senator Scanlon requests a legislative leave of absence for Senator Lynch and Capitol legislative leaves of absence for Senator Musto, Senator Mellow and Senator Zemprelli. Are there any objections? The Chair sees none and the leaves are granted.

LEAVE OF ABSENCE

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

LEGISLATIVE LEAVE CANCELLED

Senator STAUFFER. Mr. President, if I may, I would like to withdraw the request for the Capitol legislative leave of absence for Senator O'Connell. I understand that his meeting has ended and he is on his way to the floor now and the leave will be unnecessary.

The PRESIDING OFFICER. The record will reflect the gentleman's remarks.

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:

March 26, 1984

HB 817 and 1157 — Committee on Rules and Executive Nominations.

HB 1850 — Committee on Public Health and Welfare.

HB 1910 — Committee on Game and Fisheries.

GENERAL COMMUNICATIONS**BILLS INTRODUCED AND REFERRED**

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

March 26, 1984

Senator GREENLEAF presented to the Chair **SB 1316**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing a volunteer firefighter registration plate; and eliminating the fee.

Which was committed to the Committee on TRANSPORTATION, March 26, 1984.

Senators SNYDER, WENGER and CORMAN presented to the Chair **SB 1317**, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled, as amended "Real Estate Tax Sale Law," increasing the rate of interest charged for late payment of taxes.

Which was committed to the Committee on LOCAL GOVERNMENT, March 26, 1984.

Senators SNYDER, SHAFFER, REIBMAN, KELLEY and WILLIAMS presented to the Chair **SB 1318**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, redefining "children" and "lineal decedents"; and making editorial and technical amendments relating to inheritance and estate taxes.

Which was committed to the Committee on JUDICIARY, March 26, 1984.

Senators O'CONNELL, MELLOW, ROSS, REIBMAN, HELFRICK and KELLEY presented to the Chair **SB 1319**, entitled:

An Act making an appropriation to the Pennsylvania Emergency Management Agency for use in areas affected by giardiasis.

Which was committed to the Committee on APPROPRIATIONS, March 26, 1984.

LISTS OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

March 27, 1984

To the Honorable, the Senate of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from February 28, 1984 through March 26, 1984 inclusive for the 168th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary of the Senate

JOHN J. ZUBECK
Chief Clerk
House of Representatives

(See Appendix for complete list.)

**SENATE COMMITTEE APPOINTED
PURSUANT TO HOUSE RESOLUTION
NO. 160**

The PRESIDING OFFICER. Pursuant to Senate Rule V, Section 2, the Chair wishes to announce the Majority Leader has appointed the following Senators to serve as members of the Joint State Government Commission Task Force on codification of the Insurance Laws pursuant to House Resolution No. 160:

The gentleman from Montgomery, Senator Edwin G. Holl, Vice Chairman and the gentleman from Perry, Senator William J. Moore.

REPORTS FROM COMMITTEES

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

SB 1173 (Pr. No. 1568)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, limiting the bail-setting jurisdiction of district justices.

SB 1174 (Pr. No. 1569)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing service of process for misdemeanors on Sunday.

HB 1672 (Pr. No. 2738) (Amended)

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for provisions relating to crime victims' compensation; reestablishing and continuing the Crime Victim's Compensation Board; and making an editorial change.

Senator HESS, from the Committee on Education, reported the following bills:

SB 663 (Pr. No. 745)

An Act authorizing certain educational institutions to operate plans for the deferred payment of certain expenses of their students; and setting a maximum charge for financing under a plan.

SB 794 (Pr. No. 1862) (Amended)

An Act amending the act of January 18, 1952 (1951 P. L. 2111, No. 600), entitled, as amended, "State College Faculty Compensation Law," removing limitations on certain leaves of absence; and making editorial changes.

Senator HOPPER, from the Committee on Aging and Youth, reported the following bill:

SB 748 (Pr. No. 857)

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments to counties for services for children.

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

SB 1102 (Pr. No. 1863) (Amended)

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

SB 1152 (Pr. No. 1864) (Amended)

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to sell and convey 1.268 acres of land situate in Penn Township, Snyder County, Pennsylvania.

HB 178 (Pr. No. 1962)

An Act authorizing and directing the Department of General Services and the Department of Environmental Resources, with the approval of the Governor, to convey to Armstrong County an island situate in the Allegheny River near the Borough of Kittanning.

HB 846 (Pr. No. 2057)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

HB 902 (Pr. No. 2058)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee ballots.

Senator PECORA, from the Committee on Military and Veterans Affairs, reported the following bills:

SB 1101 (Pr. No. 1408)

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

SB 1159 (Pr. No. 1865) (Amended)

An Act amending the act of April 29, 1982 (P. L. 355, No. 99), entitled "Vietnam Herbicides Information Act," designating dioxin as a specific herbicide to be studied by the commission; extending the life of the commission; extending the deadline for making its final report; empowering the commission to initiate an epidemiological study; revising content requirements of report forms; and making an editorial change.

SB 1236 (Pr. No. 1866) (Amended)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the payment of gratuities to children of certain veterans.

HB 511 (Pr. No. 1765)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing a pension for paralyzed veterans.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator GREENLEAF submitted the Report of Committee of Conference on **SB 730**, which was placed on the Calendar.

CALENDAR

SPECIAL ORDER OF BUSINESS

SB 1200 CALLED UP OUT OF ORDER

SB 1200 (Pr. No. 1854) — 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**

SB 1200 (Pr. No. 1854) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," rewording definitions; increasing the level of loss reimbursement; and further providing for State appropriation for subsidies for local transportation organizations or companies.

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
Hankins	Loeper	Ross	Williams
Helfrick	Lynch	Scanlon	Wilt
Hess	Mellow	Shaffer	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 present said bill to the House of Representatives for concurrence.

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 3:30 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDING OFFICER. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 3:30 p.m., Eastern Standard Time.

AFTER RECESS

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION**

January 3, 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 J. Dodaro, 119 Victoria Drive, White Oak 15131, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1991, and until his successor is appointed and qualified, vice Jack I. Greenblat, Allentown, whose term expired.

DICK THORNBURGH.

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

LEGISLATIVE LEAVES CANCELLED

Senator SCANLON. Mr. President, I would like to note the presence on the floor of Senator Mellow, Senator Musto and Senator Zemprelli, all of whom previously had Capitol legislative leave of absence.

The PRESIDING OFFICER. The record will show that Senator Mellow, Senator Musto and Senator Zemprelli are now on the floor and voting.

And the question recurring,
Will the Senate advise and consent to the nomination?

POINT OF ORDER

Senator ZEMPRELLI. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, what is the posture of the Senate at the present time?

The PRESIDING OFFICER. Senator Loeper has already called from the table the nomination of James J. Dodaro to be a member of the Turnpike Commission. The question is, will the Senate advise and consent to the nomination?

Senator ZEMPRELLI. Mr. President, are remarks in order at this time with respect to the motion before the Senate?

The PRESIDING OFFICER. Senator, debate on the nomination is in order.

Senator ZEMPRELLI. Mr. President, the subject matter we are now dealing with is one that has been a matter of great ferment in this Chamber for many, many months, as a matter of fact, for approximately three years. Many of us from this side of the aisle have been steadfast in our opposition to the nomination and confirmation of any replacement that would affect the office held by Jack Greenblat, Chairman of the Turnpike Commission. I think that opposition to any confirmation was not on the basis of anything other than in full appreciation for the fact that Mr. Greenblat has done a remarkable job. I think the oldest turnpike in the Commonwealth of Pennsylvania is, perhaps, the best turnpike. As a user of that road twice a week, I am happy to pay that fee because I understand that it is a fine road and a well managed operation in spite of everything that has been said.

Mr. President, the nominee, Mr. Dodaro, is a replacement for Mr. Greenblat, and if this particular speaker had his sole way about it, and there are others too, we would not vote to confirm Mr. Dodaro to replace Mr. Greenblat, not because Mr. Dodaro is not a fine administrator, not because he is a

very talented person whom I personally know from Pittsburgh but, rather, that it would be a needless replacement for Mr. Greenblat. We have defended him with a great deal of fervor and I make no apology for that.

On the other hand, Mr. President, I understand it takes three votes to accomplish any action on behalf of the Turnpike Commission. I want to condemn the front office for not giving the support of the Secretary of Transportation on matters that involve bond issues, on matters that involve the furtherance of certain projects essential to the Philadelphia area as well as the Pittsburgh area, and because these projects and a more efficient operation of the Turnpike Commission could be accomplished by an expansion of its membership with political considerations as to what that composition of the board would be. There are many people in our caucus who believe that a change is necessary for that purpose, and only for that purpose. Not one criticism have I heard from Members of my caucus as to the administrative ability of Mr. Greenblat. It may come as a shock to this Body because when it became apparent that there would be sufficient votes to confirm a replacement, Mr. Dodaro, a Democrat, a fine administrator from Pittsburgh, for Mr. Greenblat, I called him. This fine man said to me, "If it is in the best interests of the Turnpike Commission"—and as he suggested to me thousands of times—"I will do what you think is right under the circumstances."

I continued to reiterate to Jack Greenblat, "Jack, you are doing a super job and there is no reason for me to want to replace you."

This fine man said to me today to do what you believe is in the best interests of the Commonwealth of Pennsylvania, that he was personally proud of having had the opportunity of three years of extended service, and he personally was proud of the accomplishments of the Turnpike Commission with respect to the problems that were there in proceeding with the difficult job of having to have three people, when there were only three people to work with and the complement of two vacancies.

It is unfortunate that we have before us a replacement of the magnitude of Dodaro for Greenblat. It is unfortunate that both of these fine men could not serve on the Turnpike Commission with contemporaneous terms so that the benefit of the Turnpike Commission and the Commonwealth of Pennsylvania and its people in rendering of road service could be enhanced. That privilege is not ours. That privilege rests with the Governor's Office and there is no secret that the vendetta to dispose of Jack Greenblat was an obsession, one that has had no parallel in this Commonwealth, and that is unfortunate. I think the people of the Commonwealth have suffered as a result of it and it is no secret.

Mr. President, there will be people here voting in the spirit of this transition, not as a rejection to Mr. Greenblat, and I am one who has opposed that from the beginning and continue to oppose it, but in the spirit of cooperation, and with the understanding that, perhaps, better things are ahead, and having had a sensitive conversation with Mr. Greenblat who

has joined me in asking that we join in that spirit by affirmatively consenting to his replacement. He has no apologies, he is thankful for the opportunity to serve and, I, for one, Mr. President, understanding that those matters that were not possible, those road improvements that the City of Philadelphia is crying out for in their interstate system will now go forward because the Administration has finally been able to dispose of Greenblat and others will support so that those projects can go forward.

Mr. President, that is a capsulization of exactly what is transpiring here today. There will be many votes in favor of Mr. Dodaro that are not really to be construed in any sense as a replacement of Jack Greenblat. We commend him. We understand the fine work he has done, and we do it in a sense because he was gentleman enough to ask us to do it as late as this afternoon.

LEAVE OF ABSENCE

Senator JUBELIRER asked and obtained leave of absence for Senator O'CONNELL, for the remainder of today's Session, for personal reasons.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—46

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

NAYS—2

Kratzer Reibman

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

January 3, 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 Frank A. Ursomarso, 771 Unionville Road, Clearmount Farm, Kennett Square 19348, Chester County, Nineteenth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1993, and until his successor is appointed and qualified, vice Egidio Cerilli, Greensburg, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nomination?

Senator ZEMPRELLI. Roll call vote, Mr. President.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—44

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

NAYS—4

Early	Lewis	Scanlon	Zemprelli
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A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATION CALLED FROM THE TABLE

Senator ZEMPRELLI. Mr. President, I move from the table the nomination of Kenneth Ross for the third vacancy on the Turnpike Commission so as to accomplish a full complement on the board.

On the question,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, I would oppose that motion and ask for a "no" vote.

Senator ZEMPRELLI. Mr. President, one of the crying needs of the Turnpike Commission is that it operate with a full complement. As I suggested in my earlier remarks, these nominations are not my nominations. Mr. Kenneth Ross was the nominee of the Governor and I can quite frankly say that there have been a lot of people who have been interested in Mr. Kenny Ross' nomination. I, for one, suggested to him that if—

The PRESIDING OFFICER. Will the gentleman yield?

Senator ZEMPRELLI. I will, Mr. President.

The PRESIDING OFFICER. It is my understanding, Senator, that this motion to move from the table is not debatable.

Senator ZEMPRELLI. Mr. President, I am not debating the issue. I am simply stating the reason why it should come off the table.

The PRESIDING OFFICER. Within certain specified limits, the gentleman may proceed.

Senator ZEMPRELLI. Mr. President, I will advise the Chair when I am finished discussing the time at which my remarks are not germane to it coming off the table.

The point I make and I will make it very succinctly, I know there are many who have other things to do, is that it would be just a glorious day for us to be able to walk out of here tonight and say that for long and last this complement of the Turnpike Commission is now set in place and they can function with a full board. We no longer have to worry about veto powers, we no longer have to worry about ill-health, we no longer have to worry too much about Democrats or Republicans because I am sure that if the Republican nominees are friends of the Governor's, and if they are Democratic nominees, I am sure they are as equally friendly to the Governor, so that it would be a sort of Mexican stand-off. I would, therefore, ask that the name be withdrawn and let us get it behind us. Let us fill this full complement of the Turnpike Commission tonight and not worry about what is coming down the road or all the political machinations as to who is going to be the nominee, whether there will be a recall, what the structuring of the composition, politically and otherwise, will be in the future.

Again, I say, Mr. President, there are many, many Democrats in this Chamber that welcome the opportunity to bring Mr. Ross' name off the table and I would think that if this is the Governor's nominee, he being a Republican, that the Members on the other side of the aisle would share the same enthusiasm that I do for the opportunity to vote for Kenny Ross.

MOTION TO RECOMMIT

Senator LOEPER. Mr. President, at this time I move to recommit the nomination of Kenneth Ross to the Committee on Rules and Executive Nominations.

Senator ZEMPRELLI. Mr. President, may we be at ease for a moment?

The PRESIDING OFFICER. The Senate will be at ease.
(The Senate was at ease.)

POINT OF ORDER

Senator ZEMPRELLI. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, in terms of the fact that there is a motion to remove a name from the table and a motion subsequent thereto to recommit, is it not a fact that the motion to recommit is not a preferential motion and that the motion to take from the table, being in order of priority, should be the first motion acted upon?

The PRESIDING OFFICER. It would be the Chair's understanding that it would not be a subject for a motion for recommitment until it is removed from the table.

And the question recurring,
Will the Senate agree to the motion to remove from the table the nomination of Ken Ross?

The motion was agreed to.

NOMINATION RECOMMITTED TO COMMITTEE

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION**

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

DICK THORNBURGH.

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

POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, could you inform me of the status of the motion at this point in time?

The PRESIDING OFFICER. There is no motion, Senator Loeper. The question before the Senate is—

Senator LOEPER. Mr. President, what is the status of Mr. Ross' nomination?

The PRESIDING OFFICER. We are now at the point where the question is whether or not the Senate will advise and consent to the nomination.

MOTION TO RECOMMIT

Senator LOEPER. Mr. President, at this time I would move that the nomination of Kenneth Ross be recommitted to the Committee on Rules and Executive Nominations.

The PRESIDING OFFICER. It has been moved by Senator Loeper that the nomination of Ken Ross be recommitted to the Committee on Rules and Executive Nominations.

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

PREVIOUS QUESTION MOVED

Senator ZEMPRELLI. Mr. President, I move the previous question.

THE PRESIDING OFFICER. Are there four seconds to that motion?

- Senator LEWIS. Mr. President, I second the motion.
- Senator SCANLON. Mr. President, I second the motion.
- Senator MELLOW. Mr. President, I second the motion.
- Senator ROSS. Mr. President, I second the motion.

Senator STAPLETON. Mr. President, I second the motion.

Senator BODACK. Mr. President, I second the motion.

On the question,
Shall the main question be put?

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

YEAS—23

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

NAYS—25

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

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

THE PRESIDING OFFICER. The question recurs on Senator Loeper's motion to recommit the nomination to the Committee on Rules and Executive Nominations. On that question, the Clerk will call the roll.

Senator LOEPER. Mr. President, would you accept the same roll call except in the opposite on the previous motion?

THE PRESIDING OFFICER. It appears not, Senator Loeper. The Clerk will call the roll.

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDING OFFICER. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, can the gentleman tell me whether the present state of Mr. Ross' nomination being on the floor of the Senate previous to the motion to recommit, whether or not this Body was in a position to confirm that nomination?

Senator LOEPER. Mr. President, that would have been a possibility, yes.

Senator ZEMPRELLI. Mr. President, if there were sufficient votes, meaning thirty-four in number, immediately previous to the gentleman's motion to recommit, Mr. Ross would have been confirmed as the third nominee here today to the Turnpike Commission. Is that a fair statement?

Senator LOEPER. Mr. President, if two-thirds of this Body had voted in favor of his nomination. The gentleman is correct.

Senator ZEMPRELLI. Now, Mr. President, by the motion to recommit, in effect, the name will be returned to committee and this Body, then, will not have the opportunity to confirm Mr. Ross until such time as the name is brought before us for that consideration. Is that a fair statement?

Senator LOEPER. Yes, Mr. President, just like many other nominees that follow the same route through the committee.

Senator ZEMPRELLI. Mr. President, then, in effect, we will not be in a position to vote Mr. Ross' confirmation if the motion to recommit succeeds here this afternoon?

Senator LOEPER. That is correct, Mr. President. If this motion succeeds this afternoon, we would not be in a position this afternoon to vote that nomination.

Senator ZEMPRELLI. Therefore, Mr. President, is it a fair statement to say that a vote in favor of the motion to recommit would be, in effect, a postponement of consideration of Mr. Ross' nomination?

Senator LOEPER. That is correct, Mr. President. My original motion today was to keep Mr. Ross' nomination on the table. The Majority was not ready to deal with that nomination today. However, because of the actions that have ensued since then, we deemed it in the best interest to put that nomination back in committee for further consideration.

Senator ZEMPRELLI. Therefore, Mr. President, is it not a fair statement to say that those who would oppose the motion to recommit and if that motion were to be defeated by there being a preponderance of negative votes the nomination would, in fact, be before us at this moment for consideration?

Senator LOEPER. Mr. President, if the majority votes in favor of recommitting that nomination to committee, I believe the nomination would be in committee.

Senator ZEMPRELLI. No, Mr. President, the gentleman misunderstands me. If there are more negative votes to the recommittal than positive votes, would it not then be the proper order for the nomination to be considered at this time?

Senator LOEPER. Mr. President, I would defer that question to the Parliamentarian.

POINT OF ORDER

Senator ZEMPRELLI. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, is it not a fact that if the motion to recommit was defeated, the nomination of Kenneth Ross for the vacancy on the Turnpike Commission would be before us for consideration?

The PRESIDING OFFICER. The question would recur, Senator, will the Senate advise and consent to the nomination of Kenneth Ross.

Senator ZEMPRELLI. Mr. President, is that not, in fact, a roll call vote on the nomination for appointment?

The PRESIDING OFFICER. Yes, it is.

Senator ZEMPRELLI. Mr. President, on the strength of this dissertation and the inquiries—and I thank the gentleman for his honest replies—I would ask each and every Member of the Senate to vote in the negative on the motion to recommit so that we can once and for all consider Mr. Ross' capabilities, qualifications and nomination to the Turnpike Commission on the only other remaining vacancy.

Senator JUBELIRER. Mr. President, I have other things to do, too, but I cannot resist reminding my distinguished

friend, the Minority Leader, the gentleman from Allegheny County, that he had this opportunity on October 19, 1983, when Kenneth Ross' nomination was before the full Senate and that he had asked his caucus at that time to vote "no." I suppose he is going to tell us that was because that was for a different seat on the Turnpike Commission than the one it is now, but the fact is that they had every opportunity to vote on the merits of this nomination at that time and he was not ready to do it then and we are not ready to do it now. I would urge a positive vote on the motion of the gentleman from Delaware, Senator Loeper, to recommit.

Senator ZEMPRELLI. Mr. President, the Majority Leader has that exactly right.

Senator ROMANELLI. Mr. President, I plead with my brethren from the other side of the aisle, we have a chance to put the turnpike problem behind us for the rest of this term. Let us deal with it now and get it over with. Let us stand up to the courage of our vote, either vote "yes" or "no" for Mr. Ross. He is eminently qualified and he should be confirmed for the Turnpike Commission.

And the question recurring,

Will the Senate agree to motion to recommit?

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

YEAS—25

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

NAYS—23

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

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

The PRESIDING OFFICER. The nomination of Ken Ross for the Pennsylvania Turnpike Commission will be recommitted to the Committee on Rules and Executive Nominations.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
Harrisburg

February 10, 1984

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

Dear Senator Hager:

Pursuant to Section 201(b) of the Commonwealth Attorneys Act, I hereby appoint David M. Barasch Consumer Advocate subject to the approval of a majority of the members elected to the Senate.

Sincerely,
LeROY S. ZIMMERMAN
Attorney General

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

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

YEAS—48

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

NAYS—0

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

Ordered, That the Attorney General be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE ART COMMISSION

February 24, 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 Philip D. Simonds, 304 Sixth Street, Oakmont 15139, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Art Commission, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified, vice William G. Swain, Monroeville, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS**

February 29, 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 Charles R. Eshleman (Public Member), 54 West Sheridan Avenue, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, to fill a new position.

DICK THORNBURGH.

**COMMONWEALTH TRUSTEE OF LINCOLN
UNIVERSITY—OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

February 1, 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 Lenetta R. Lee, Ye Olde Lions Inn, R. D. 1, Lincoln University 19352, Chester County, Thirty-sixth Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1984, and until her successor is appointed and qualified, vice Tonya L. Tolson, Holland, resigned.

DICK THORNBURGH.

**MEMBER OF THE PENNSYLVANIA BOARD
OF PSYCHOLOGIST EXAMINERS**

February 24, 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 Henry M. Weeks, IV, Ph.D., 211 Echo Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Board of Psychologist Examiners, to serve until December 24, 1986, and until his successor is appointed, but not longer than six months beyond that period.

DICK THORNBURGH.

**MEMBER OF THE STATE BOARD
OF PUBLIC WELFARE**

February 29, 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 Robert J. Antonelli, 2181 Garrick Drive, Pittsburgh 15235, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Public Welfare, to serve until June 7, 1988, and until his successor is appointed and qualified, vice the Honorable Joseph V. Zord, Jr., Pittsburgh, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES OF
SELINGSGROVE CENTER**

March 8, 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 Frank J. Fendt, 604 North Seventh Street, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Robert J. Webb, Shamokin Dam, whose term expired.

DICK THORNBURGH.
MEMBER OF THE BOARD OF TRUSTEES OF
SELINGSGROVE CENTER

March 8, 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 Stanley A. Madrak, 316 West Chestnut Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, vice William H. Decker, Middleburg, whose term expired.

DICK THORNBURGH.
MEMBER OF THE BOARD OF TRUSTEES OF
SELINGSGROVE CENTER

March 8, 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 Orlando C. Scopelliti, 1501 West Mulberry Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified.

DICK THORNBURGH.
MEMBER OF THE ELK COUNTY
BOARD OF ASSISTANCE

December 23, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Harry W. Horne (Republican), 624 First Avenue, Johnsonburg 15745, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Elk County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Chris P. Buerk, whose term expired.

DICK THORNBURGH.
MEMBER OF THE ELK COUNTY
BOARD OF ASSISTANCE

February 24, 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 Francis DePanfilis (Democrat), 125 South Broad Street, Ridgway 15853, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Elk County Board of Assistance, to serve until December 31, 1986, and until his successor is duly appointed and qualified, to fill a new position.

DICK THORNBURGH.
MEMBER OF THE HUNTINGDON COUNTY
BOARD OF ASSISTANCE

February 29, 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 W. Ruth Barner (Republican), R. D. 1, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1984, and until her successor is duly appointed and qualified, vice Michael Raymond Miller, Huntingdon, resigned.

DICK THORNBURGH.
DISTRICT JUSTICE

January 30, 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 M. Korch, 1717 Westwood Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as District Justice in and for the County of Berks, Magisterial District 2-01, to serve until the first Monday of January, 1986, vice Henry E. Shultz, deceased.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

HB 8 TAKEN FROM THE TABLE

Senator JUBELIRER. Mr. President, I move that House Bill No. 8, Printer's No. 1162, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Helfrick and, if I may be pre-emptuous, for Senator Stapleton, as well. I think, that acting in their capacity as the Majority and Minority Chairmen of the Committee on Agriculture and Rural Affairs, they will be functioning in those positions at this time, and I request a legislative leave of absence for them for the remainder of today's Session.

The PRESIDING OFFICER. Senator Jubelirer requests a legislative leave of absence for Senator Helfrick and a legislative leave of absence for Senator Stapleton. Are there any objections? The Chair sees none and the leaves are granted.

Senator SCANLON. Mr. President, I am requesting legislative leave of absence for Senator Fumo who had to return to Philadelphia to meet with the United Cab Association.

The PRESIDING OFFICER. Senator Scanlon requests a legislative leave of absence for Senator Fumo. Are there any objections? The Chair sees none and the leave is granted.

LEAVE OF ABSENCE

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

CONSIDERATION OF CALENDAR RESUMED

REPORT OF COMMITTEE OF CONFERENCE

BILL OVER IN ORDER

SB 503 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILLS OVER IN ORDER

SB 437 and **525** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

HB 1919 (Pr. No. 2556) — 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.

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, page 1, line 17, by inserting after "Commission": , including the sum of \$1,000,000 to be used specifically by the Public Utility Commission to combat the contamination of water supplies by parasitic micro-organisms which cause giardiasis

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.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1920 (Pr. No. 2509) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

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—47

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

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 67 (Pr. No. 1855) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring a ban on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; and establishing penalties.

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

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

HB 224 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 250 (Pr. No. 1856) — The Senate proceeded to consideration of the bill, entitled:

An Act relating to the protection of the abused, neglected, exploited or abandoned elderly; establishing a uniform State wide reporting and investigative system for suspected abuse, neglect, exploitation or abandonment of the elderly; providing protective services; providing for funding; and making repeals.

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	Holl	Moore	Singel
Bell	Hopper	Musto	Snyder
Bodack	Howard	O'Pake	Stapleton
Brightbill	Jubelirer	Pecora	Stauffer
Corman	Kelley	Reibman	Stout
Early	Kratzer	Rhoades	Street

Fisher	Kusse	Rocks	Tilghman
Fumo	Lewis	Romanelli	Wenger
Greenleaf	Lincoln	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow	Shumaker	

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 336 (Pr. No. 1809) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the penalty for unauthorized parking in a space reserved for the handicapped from \$15 to \$40.

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

NAYS—0

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

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

HB 712 (Pr. No. 2731) — The Senate proceeded to consideration of the bill, entitled:

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

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

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.

HB 713 (Pr. No. 2732) — The Senate proceeded to consideration of the bill, entitled:

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

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

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.

HB 714 (Pr. No. 2733) — 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 records.

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

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.

BILLS OVER IN ORDER

SB 934 and 1083 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1085 (Pr. No. 1758) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled "Credit Union Act," further providing for credit unions.

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

Fumo	Lewis	Romanelli	Wenger
Greenleaf	Lincoln	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess	Mellow	Shumaker	

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 1100 (Pr. No. 1853) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline, rulemaking, admission and supervision of the practice of law, conflicts of interest, financial disclosure, campaign financing, financial affairs of the judiciary, budgeting and audits.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator TILGHMAN. Mr. President, early in the day in our caucus, I mentioned I would make a motion to revert to the prior printer's number on this bill and thereby pick up the merit selection of the judges that was taken out of the bill yesterday. However, there were several Members of our caucus who felt the constitutional amendments that are embodied in Senate Bill No. 1100, now before us, are so important that they did not want to get into a protracted fight as to whether we could revert to a prior printer's number and I am not going to make that motion. However, I do understand that when we come back after the primary recess, we will be addressing legislation dealing with the merit selection of judges. I am a strong proponent of that and I hope we will succeed and get enough votes to do it. After all, the Supreme Court of the United States is appointed by the President of the United States and all federal judges are appointed by the President of the United States, and we have an election here for similar positions.

Senator WILLIAMS. Mr. President, I just wanted to respond to the comments of the gentleman from Montgomery, Senator Tilghman. It appears this issue will be a continuing saga. I just want to end on a note indicating that the appointment of the Supreme Court throughout our history has not been known to be nonpolitical, it still is expected to be, and the news carries it as a political process, one in which the President stacks the court. I just wanted to make that parting shot before the recess.

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

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 1153 (Pr. No. 1772) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further providing for deer-proof and elk-proof fences.

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

NAYS—0

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

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

HB 1155 (Pr. No. 2596) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for issuance of detachable anatomical donor symbols on drivers' licenses; and further providing for special permits.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 4, by inserting after "permits"; ; and creating a grant program to establish and maintain public recreational trails for snowmobiles on public and private lands

Amend Sec. 1, page 1, line 7, by striking out "and" and inserting a comma

Amend Sec. 1, page 1, line 7, by inserting after "(a)": and 7706

Amend Bill, page 3, by inserting between lines 21 and 22:

§ 7706. Restricted receipts fund.

(a) Deposit and use of moneys.—The department shall deposit all moneys received from the registration of snowmobiles, the sale of snowmobile registration information, snowmobile publications and other services provided by the department, all fines and penalties resulting from violations of this chapter, revenues from the liquid fuels tax and all fees collected under this chapter in a restricted receipts fund[, from which]. From this fund, the department shall draw moneys for use in carrying out the registration, safety education and enforcement requirements of this chapter as well as the establishment, construction and maintenance of trails and any equipment and supplies necessary to carry out the purposes of this chapter. In addition, the revenues received from the liquid fuels tax shall be used to provide grants for establishing and maintaining public snowmobile trails on private and public lands. All moneys in said fund not heretofore paid into the General Fund shall remain in said restricted receipts fund to be used as specified in this chapter. Up to 15% of liquid fuels tax receipts may be used by the Department of Environmental Resources for reimbursement for any expenses incurred under this section.

(b) Audit of moneys.—The restricted receipts fund shall be audited every two years.

(c) Grants.—Funds granted for establishing and maintaining public snowmobile trails are subject to the following restrictions:

(1) Grants shall be used for acquiring land by lease or right-of-way purchase, for developing and maintaining public snowmobile trails and for marking the trails with signs or other markers.

(2) Grants for acquiring land shall be limited to 90% of the acquisition cost. Land acquired shall be developed into public snowmobile trails. Development shall begin within one year of the award.

(3) Grants for developing and maintaining trails shall be limited to 90% of the actual cost to develop the trail or to maintain the trail for one year. Grants shall be distributed in two segments: 50% at the time the grant application is approved and 40% upon the completion of the project.

(4) Any snowmobile club shall be eligible to apply for a grant under this program.

(5) The department shall promulgate regulations regarding the administration of the grant program, including the composition of the application form.

(d) Liquid fuels tax.—

(1) When the tax imposed by the act of May 21, 1931 (P.L.149, No.105), known as The Liquid Fuels Tax Act, shall have been paid and the fuel on which that tax has been imposed has been consumed in the operation of snowmobiles off the highways of the Commonwealth or on designated highways, a formulated amount of the tax shall be refunded to the snowmobile restricted receipts fund for the use provided for in this section on petition to the Board of Finance and Revenue in accordance with prescribed procedures.

(2) The department shall calculate the amount of liquid fuels tax on fuels consumed by snowmobiles by multiplying the number of snowmobiles registered on June 30 of the preceding year times 80.5 gallons of fuel and furnish such information relating to its calculation and data as may be required by the Board of Finance and Revenue. This board shall review the petition and snowmobile fuel consumption calculations and then determine the amount of liquid fuels tax paid and shall certify to the State Treasurer to refund annually to the snowmobile restricted receipts fund the amount so determined.

On the question,

Will the Senate agree to the amendment?

Senator ANDREZESKI. Mr. President, this amendment, in effect, would allow the transfer of funds from the liquid fuels tax to a snowmobile restricted receipts fund. The amount transferred to this fund shall be calculated by multiplying the number of snowmobiles registered in the State of Pennsylvania as of June 30th of the previous fiscal year by 80.5 gallons, which is the average amount of gas a snowmobile consumes each year as reported by the International Snowmobile Industry Association, multiplying that product by the excise tax—twelve cents a gallon—imposed by the state. This amendment would also establish a grant program for maintenance cost, land acquisition and development of public snowmobile trails on private and public lands in the Commonwealth. Presently, there is a fund established for maintaining public trails which is funded through a registration fee of \$5.00 per snowmobile per year. Much of the monies collected from these fees, though, are used for administrative purposes by the Department of Environmental Resources. This amendment increases the amount of monies for trails in the Commonwealth via a grant program.

I might add, a precedent for the transfer of the liquid fuels tax for motor vehicles other than highway vehicles has already been set with the establishment of the motorboat fund. An opinion by the Attorney General stated that this transfer was not in violation of Article VIII, Section 11 of the Pennsylvania Constitution. I would also point out that in Pennsylvania we have approximately 123,000 snowmobiles registered. There are probably considerably more since there is no active program to see who is or who is not registered as snowmobile drivers. Snowmobiling, especially in western Pennsylvania, is a very well participated in recreational facility in the State of Pennsylvania, and at the request of snowmobile clubs and individuals who are concerned about maintaining this activity and have seen the state participate with other groups in providing recreational monies, I am introducing this amendment. I would ask my colleagues in the Senate to please support this endeavor.

Senator BELL. Mr. President, with due deference to my friend from Erie County, Senator Andrezeski, the Constitution of Pennsylvania is very clear that liquid fuels money can only be spent on highways and airports. It is also very clear from the earliest days of this Commonwealth that the waterways were regarded as public highways. That is the basis of the Attorney General's ruling. I do not see that this money being diverted from the maintenance of our highways is the

proper use of the liquid fuels tax. If it were, then, I think my son who has a farm ought to have his liquid fuels money that he uses anywhere around there diverted and that includes anything to do with the farm. But, basically, this diverts money from the motor license fund away from the highways where we need it. It is unconstitutional.

Senator JUBELIRER. Mr. President, without taking a position on the legislation as offered in the amendment by the gentleman from Erie, Senator Andrezeski, and I understand there is some question as to the statistics, and the point of the gentleman from Delaware, Senator Bell, on the constitutionality of the amendment, I think Representative Book has offered, in that which has been passed in the House in the form of House Bill No. 1155, is a very important piece of legislation. If the amendment of the gentleman from Erie, Senator Andrezeski, were to be adopted by this Body, it would obviously require a fiscal note. It would delay the passage of this important piece of legislation until after we would come back from the Primary Election and Easter-Passover recess, as well as having to go back to the House of Representatives and, Mr. President, I think the kind of sweeping amendment that is proposed by Senator Andrezeski should be the subject of a separate piece of legislation. For those reasons and the reasons heretofore given, Mr. President, I would request the Senate vote "no" on this amendment and that we pass the bill and send it to the Governor's desk.

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

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

YEAS—21

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

NAYS—24

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

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

And the question recurring,
Will the Senate agree to the bill 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—45

Andrezeski	Hopper	Musto	Singel
Bell	Howard	O'Pake	Snyder
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kratzer	Reibman	Stauffer
Corman	Kusse	Rhoades	Stout
Early	Lewis	Rocks	Street
Fisher	Lincoln	Romanelli	Tilghman
Fumo	Loeper	Ross	Wenger
Greenleaf	Lynch	Scanlon	Williams
Helfrick	Mellow	Shaffer	Wilt
Hess	Moore	Shumaker	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 with amendments in which concurrence of the House is requested.

BILL ON THIRD CONSIDERATION AMENDED

SB 1172 (Pr. No. 1567) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," permitting health care facilities to board an animal in certain cases.

Considered the third time,

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

Amend Sec. 1 (Sec. 821), page 1, line 20, by striking out "no more than one cat or one dog" and inserting: domesticated pets

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 WENGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1247 (Pr. No. 1701) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain width vehicles and permits for such vehicles.

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	Musto	Singel
Bell	Howard	O'Pake	Snyder
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kratzer	Reibman	Stauffer

Corman	Kusse	Rhoades	Stout
Early	Lewis	Rocks	Street
Fisher	Lincoln	Romanelli	Tilghman
Fumo	Loeper	Ross	Wenger
Greenleaf	Lynch	Scanlon	Williams
Helfrick	Mellow	Shaffer	Wilt
Hess	Moore	Shumaker	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 present said bill to the House of Representatives for concurrence.

HB 1726 (Pr. No. 2337) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for attendance at certain conferences, institutes and schools.

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

HB 1727 (Pr. No. 2338) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The First Class Township Code", approved June 24, 1931 (P. L. 1206, No. 331), changing the rates for per diem for attendance of appointed township officers and employees at conferences, institutes and schools.

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

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 226, SB 664, 1078 and 1112 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS OVER IN ORDER

HB 132 and 331 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

HB 502 (Pr. No. 563) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Home Rule Charter and Optional Plans Law," approved April 13, 1972 (P. L. 184, No. 62), regulating time of petitions.

Considered the second time and agreed to,

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

HB 504 (Pr. No. 2688) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), changing the date for filing financial reports with the Department of Community Affairs.

Considered the second time and agreed to,

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

HB 686 (Pr. No. 1488) — The Senate proceeded to consideration of the bill, entitled:

An Act amending "The Game Law," approved January 3, 1937 (P. L. 1225, No. 316), further providing for prohibited property damage; providing for civil liability for property damage; prohibiting hunting or trapping in unharvested fields; and imposing penalties.

Considered the second time and agreed to,

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

BILL REREFERRED

HB 865 (Pr. No. 2730) — The Senate proceeded to consideration of the bill, entitled:

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 appropriations; and making repeals.

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

BILL ON SECOND CONSIDERATION AMENDED

SB 926 (Pr. No. 1810) — 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."

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SHUMAKER offered the following amendment:

Amend Title, page 1, line 2, by striking out "bus." and inserting: "bus"; and requiring possession of a class 3 license to operate certain articulated buses.

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 SHUMAKER.

BILLS OVER IN ORDER

SB 948, HB 962, SB 981 and 987 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL RECOMMITTED

SB 988 (Pr. No. 1708) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," adding and amending definitions; creating, empowering and governing a commission; eliminating confidentiality requirements; changing hours of study and specifying areas of study for applicants; eliminating fee requirements; imposing reporting duties on the Pennsylvania Human Relations Commission; adding a prohibition; broadening the scope of regulation of promotional sales and requiring public accounting for promotional sales; requiring contractual disclosures; regulating reinstatement of revoked licenses; changing limits of liability and increasing assessments for the recovery fund; requiring statements as to the fair market value and odds of receiving any prize in relation to certain offerings of real property; making editorial changes; and making repeals.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Consumer Protection and Professional Licensure.

BILLS OVER IN ORDER

SB 1042, 1084, 1151, 1154, 1155, 1168, HB 1177 and SB 1196 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 1242 (Pr. No. 2689) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," approved December 19, 1974 (P. L. 973, No. 319), further providing for the application date; requiring breaches of preferential assessments to be recorded; and providing a fee for recordings.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1279 and 1291 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

HB 1373 (Pr. No. 2232) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities of the Pennsylvania Consolidated Statutes, further providing that the transcript of public hearings be considered part of the record in proceedings before the commission.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator JUBELIRER. Mr. President, I request House Bill No. 1373 go over in its order.

Senator SCANLON. Mr. President, I object to House Bill No. 1373 going over in its order.

Senator STAUFFER. Mr. President, I move that House Bill No. 1373, Printer's No. 2232, go over in its order.

On the question,

Will the Senate agree to the motion?

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

YEAS—25

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

NAYS—16

Andrezeski	Lincoln	Reibman	Stapleton
Early	Lynch	Ross	Stout
Fumo	Mellow	Scanlon	Williams
Lewis	Musto	Singel	Zemprelli

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

The PRESIDING OFFICER. House Bill No. 1373 will go over in its order.

HB 1468 and **1576** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 1832 (Pr. No. 2681) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for an appropriation to the High Speed Intercity Rail Passenger Commission.

Considered the second time and agreed to,

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

SENATE RESOLUTION NO. 93, CALLED UP

Senator JUBELIRER, without objection, called up from page 10 of the Calendar, **Senate Resolution No. 93**, entitled:

Urging Nuclear Regulatory Commission to delay decision on restart of Three Mile Island Unit 1 Reactor.

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

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 93, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution No. 93.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, it was the feeling of our caucus, after much discussion on this proposal, that we would like, at least today, to put it over for one more day. Unfortunately, the majority of our Members have had to leave to attend either the Farmers' Banquet or another commitment they have, and I do not believe they are listed on legislative leave. I sincerely feel that a motion to go over on this resolution with a full complement of the Senate would carry. I ask the indulgence of the sponsor, the gentleman from Dauphin, Senator Shumaker, to give us one more day so that we can at least deliberate this thing in the proper fashion.

Senator SHUMAKER. Mr. President, does the gentleman want to interrogate me and ask me that, or what?

THE PRESIDING OFFICER. Senator Mellow, do you wish to interrogate Senator Shumaker?

Senator MELLOW. Mr. President, that is not my desire.

Senator SHUMAKER. Mr. President, my only comment is that if these people felt that strongly about passing a resolution over, I think they should be here to vote to do so. I would ask that we consider the resolution.

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, is there a motion to put it over?

THE PRESIDING OFFICER. No, Senator. The motion is to adopt Senate Resolution No. 93.

Senator BRIGHTBILL. Mr. President, I would like to speak to the motion. I am here to speak as a Senator who, of all the fifty Senators in this state, lives the closest to Three Mile Island. I live within the area that was to be evacuated at the time of the accident. I speak on behalf of the residents of the area who are not only close to TMI but also are affected in an economic sense by TMI. I would say that my people who are suffering because of Unit 1 not restarting are people who are economically affected by TMI. I speak as a representative of consumers, and we must remember that consumers include not only, for example, senior citizens and workingmen and women, but businesses which are employing workingmen and workingwomen, working people who perhaps today or tomorrow will not have a job unless TMI can be brought on line. I would remind my colleagues here in the Senate Three Mile Island has a direct economic effect not only on the County of Lebanon, which I represent, and the County of Berks, which I represent, but also the City of Reading, the City of Easton, the City of York and York County, Altoona, Johnstown, Oil City, Meadville, Erie, Warren, Bradford, Mansfield, Towanda. Those are all areas served by TMI, and those are all areas that are adversely impacted by TMI.

Number one, my concern is someone living near the unit. My concern is that of safety. I am concerned, of course, about the safety of the people, my people, my children, my family, my constituents and my loved ones. We are here with a resolution that would have, if followed, a dramatic effect. Have we as a Senate held any hearings? Have we looked into the safety of the issue? Have we referred this to the proper committee to adequately consider this serious question? Do we really have any idea of what is going on at TMI? Have we examined the facts? Do we have the expertise? Are we really in a position to judge? I am going to submit that the answer is no. We are not in a position where we are given that authority. As someone living close to TMI, sure, I would like to tell them to take it and take it someplace else. I certainly wish that Unit 2 would have been built elsewhere, in New Jersey as it originally was projected. I would like to see TMI go away. I would like an easy way out. I would like to cover my ears and my eyes and my mouth and hear no evil, speak no evil and see no evil, but it will not happen that way. This is a tough, emotional question. It is a tough, emotional issue and while many people in many parts of this state are emotional about it, the people who I represent are paying the price.

I have not seen a resolution in front of this Senate and I have not seen a bill go through this Senate which would provide economic relief to those of us who are the victims of TMI. Met Ed is paying \$500,000 a day and as we stand here and talk by the minute and by the hour, the price is growing and that is for power that we are buying, power that we should be producing.

Who does TMI hurt when Unit 1 is sitting there closed, a productive plant? I am going to suggest that it hurts the workingman. Number one, his electric bill is just a little bit higher and it is going to go up a little bit faster as a result of it. That is not really where the impact falls. Where it really falls is on the firm, on the business which is hiring that workingman, because its electric bill is not a little bit higher, it is greatly increased.

Frankly, all across this state while we talk about jobs and we give jobs and wanting jobs lip service, the simple fact is that TMI is putting jobs in jeopardy.

One executive in a manufacturing plant in Lebanon County told me that TMI being closed is costing that plant \$30,000 a month; that is \$30,000 a month to a plant that is already losing money and a plant that is having problems with the state because of alleged environmental violations. We must remember this is a plant that is a national company. So when the owners of this plant, when the directors of that board decide whether or not they are going to expand that plant, maybe close that plant, they are going to look at Unit 1 and they are going to look at whether or not that plant is profitable. Another firm, for example, could save \$100,000 a year.

Now, let us look at the issue in terms of a plant relocating to Pennsylvania. Can you imagine, as an executive, having someone come in to see you, one of your employees, and saying that they have found this ideal site to relocate a plant and that this site is served by power provided through Met Ed and that this site has an electrical bill that could double and triple within the next five or ten years and there is absolutely no way to make any judgment? Can you imagine what you would do to that junior executive who suggested such a site? You would throw him out. He would be out on his ear. The plain, simple fact is that no plant is going to expand into an area served by TMI until Unit 1 gets on line and until we start making some progress.

Let us look at another factor, expansion. The simple fact is, Mr. President, that 80 percent of growth in a local economy occurs as a result of expansion. Now, with plants paying \$30,000 for a month in excess electric bills, with plants that cannot compete with their neighboring plants in, for example, Lancaster County and other places, what is going to happen with expansions? Frankly, the expansions are not going to occur.

Let us remember that we have towns like Johnstown with extremely high unemployment served by Met Ed and affected by the reopening of Unit 1. My local Chamber of Commerce has estimated that TMI closed costs the County of Lebanon—that is one of the three counties I represent—\$1.3 million per year. Can you imagine what we as a county could do if we had \$1.3 million a year for economic expansion? TMI in operation would save \$17.6 million and that would be a substantial savings to not only the workingman, but also to the businessman.

In January of 1984, Met Ed requested a \$19.8 million rate increase. That is 3.6 percent. My people are down and they are bleeding and now we are going to have more. What is the

Senate of Pennsylvania doing about it? The Senate is compassionately ignoring the situation, closing its eyes and suggesting that TMI Unit 1 close.

The petition itself states that TMI restarted would decrease the rate of increase. Now, part of the petition alleges that the people themselves would like it closed and that there was a popular referendum. That referendum was held at the time of the primary election in 1982. I would like to cite some statistics.

In 1982, 41,000 people were eligible to vote on that referendum. In all, of the 41,000 people, only 14,800 were concerned enough to go out and cast their vote in that election. Of those 14,800 people, only 10,600 were concerned enough to even vote on the TMI issue and the vote worked out to about 60-40. Yes, Mr. President, 60-40. That is hardly an overwhelming mandate one way or the other. Sixty percent said "no," forty percent said "yes," but eighty-five percent did not even bother to cast their vote.

This is a complex and technical issue and this is an emotional issue. This is an issue that deserves thought and requires tremendous technical expertise. I believe that NRC alone has the ability to determine this question and, therefore, I urge a "no" vote on this resolution.

Senator MELLOW. Mr. President, I can appreciate the comments as stated by the gentleman from Lebanon, Senator Brightbill, and concur on many of the things that he has said. The truth of the matter is, Mr. President, that we right now do not have a full complement of the Democratic caucus. There were a number of us who have indicated some concern about this proposal and would like to have the opportunity of speaking about this proposal on the floor of the Senate. If we, in fact, go ahead and pass Senate Resolution No. 93, we are not going to have that opportunity.

Once again, Mr. President, in view of the fact that the prime sponsor of this proposal does not want the resolution to go over for one more day, knowing full well that he has talked about the plan that has been put in place by the Governor, also knowing full well that the state Legislature, at least in the State of New York, has taken some strong opposition as to the way Governor Thornburgh is proposing that this particular thing be funded.

May we be at ease, please?

The PRESIDING OFFICER. The Senate will be at ease.

(The Senate was at ease.)

MOTION FOR RESOLUTION OVER IN ITS ORDER

Senator MELLOW. I would now move, Mr. President, that we put Senate Resolution No. 93 over in order and I ask for a roll call vote.

On the question,

Will the Senate agree to the motion?

Senator JUBELIRER. Mr. President, I think the prime sponsor has spoken very well on his reasons for opposing such a motion and I would join with him in opposing the motion to go over. We have known for some time that this resolution

would be run today. It has been put over many, many times before. Anybody who wants to vote has the opportunity to do so as his or her first duty and responsibility to constituents. I think it is a disservice to the prime sponsor to put the resolution over for the reasons given by my friend from Lackawanna County. Mr. President, I ask for a "no" vote on the motion to go over.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDING OFFICER. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator MELLOW. Mr. President, it was my understanding that we would convene Session at 10:30 a.m. tomorrow morning. Am I to conclude from the gentleman's remarks that we will, in fact, not have Session tomorrow?

Senator JUBELIRER. Mr. President, I never indicated any such thing.

Senator MELLOW. Mr. President, then can the gentleman indicate to us the great urgency to pass this particular proposal this evening when more Members of the Senate will be present tomorrow and it would give them an opportunity to discuss the proposal on the floor of the Senate? It is right now five minutes after 7:00 and we are talking about delaying the vote for approximately fifteen hours, until 10:30 a.m. tomorrow morning. Can the gentleman explain to me why the reluctance to do that?

Senator JUBELIRER. Mr. President, we had an agenda to follow today. We kept the agenda as light as we could, considering the controversy that was taking place. I believe the gentleman would concur that I was as cooperative as I could be with him and his leadership in their endeavor to caucus on the important nominees to the Turnpike Commission by giving them as much extra time as possible. I think if we give them that kind of time, I think the gentleman from Dauphin, Senator Shumaker, would think that his resolution is every bit as important as that and I would not want to discriminate against him in his position in wanting the resolution run today when I was, at least I think, as cooperative as possible in giving others extra time for things that they felt were important.

Senator MELLOW. Mr. President, I thank the gentleman and I also thank him for his indulgence in giving us some extra time today so that our leadership could meet to discuss exactly what we had planned on doing with regard to the Executive Nominations. I do not believe, Mr. President, there is any urgency in the passage of Senate Resolution No. 93, since, basically, it really does not accomplish anything except to indicate the sentiment of the Senate and the Rule of the Senate. I see no reason why, Mr. President, we cannot delay this for approximately fifteen hours to give our individual Members of the Senate an opportunity of being here tomorrow and discussing the proposal. Once again, I would ask that Senate Resolution No. 93 go over.

The PRESIDING OFFICER. For the benefit of the Members, the motion is to put Senate Resolution No. 93 over in its order.

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

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

YEAS—19

Andrezeski	Kusse	Musto	Stapleton
Bodack	Lewis	Reibman	Stout
Brightbill	Lincoln	Ross	Williams
Early	Lynch	Scanlon	Zemprelli
Fumo	Mellow	Singel	

NAYS—23

Bell	Holl	Pecora	Stauffer
Corman	Hopper	Rhoades	Street
Fisher	Jubelirer	Romanelli	Tilghman
Greenleaf	Kratzer	Shaffer	Wenger
Helfrick	Loeper	Shumaker	Wilt
Hess	Moore	Snyder	

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

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

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

Senator ZEMPRELLI. Mr. President, I suggest to the Chair that we take a voice vote.

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

Senator BRIGHTBILL. Mr. President, can I have a moment to confer with the gentleman from Allegheny, Senator Zemprelli?

The PRESIDING OFFICER. The Senate will be at ease.
(The Senate was at ease.)

POINT OF ORDER

Senator ROMANELLI. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Romanelli, will state it.

Senator ROMANELLI. Mr. President, did we not start the roll call?

The PRESIDING OFFICER. The roll call had started, Senator.

Senator ROMANELLI. Mr. President, then I say the Chair is out of order.

The PRESIDING OFFICER. If the Senator doubts the vote as announced by the Chair, the Senator can request a slow roll call.

Senator ROMANELLI. Mr. President, I request a slow roll call.

Senator ZEMPRELLI. Mr. President, may we be at ease.

The PRESIDING OFFICER. The Senate will be at ease.
(The Senate was at ease.)

The PRESIDING OFFICER. For what purpose does the Senator rise?

Senator MELLOW. Mr. President, just to inform the Chair that we would accept the voice vote.

**SUNSET REVIEW RESOLUTION NO. 11,
CALLED UP**

Senator JUBELIRER, without objection, called up from page 10 of the Calendar, **Sunset Review Resolution No. 11**, entitled:

Continuing existence of the Crime Victim's Compensation Board scheduled for termination under Sunset Act.

On the question,

Will the Senate adopt the resolution?

**SUNSET REVIEW RESOLUTION NO. 11,
ADOPTED**

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Sunset Review Resolution No. 11.

On the question,

Will the Senate agree to the motion?

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

YEAS—42

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

NAYS—0

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

The PRESIDING OFFICER (Robert C. Jubelirer) in the Chair.

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDING OFFICER 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 PUBLIC EMPLOYEE
RETIREMENT STUDY COMMISSION**

March 27, 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 December 2, 1983 for the appointment of Marvin Ginsburg, Esquire, 713 Harvard Road, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, as a

member of the Public Employee Retirement Study Commission, to serve until October 28, 1987, and until his successor is appointed and qualified, vice William H. Hansell, Jr., Allentown, resigned.

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

DICK THORNBURGH.

UNFINISHED BUSINESS

**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 PUBLIC EMPLOYEE
RETIREMENT STUDY COMMISSION**

March 27, 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 December 2, 1983 for the appointment of Marvin Ginsburg, Esquire, 713 Harvard Road, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, as a member of the Public Employee Retirement Study Commission, to serve until October 28, 1987, and until his successor is appointed and qualified, vice William H. Hansell, Jr., Allentown, resigned.

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

DICK THORNBURGH.

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDING OFFICER. The nomination will be returned to the Governor.

BILL IN PLACE

Senator STOUT presented to the Chair a bill.

CONGRATULATORY RESOLUTIONS

Senator ZEMPRELLI. Mr. President, on behalf of myself and many Members of my caucus, if not all, the gentleman from Chester, Senator Stauffer, and many other Members of the Pennsylvania Senate, I offer and read the following resolution:

"WHEREAS, Jack I. Greenblat has served as a member of the Pennsylvania Turnpike Commission since 1975; and

"WHEREAS, Jack I. Greenblat was immediately named vice chairman upon appointment to the commission; and

“WHEREAS, Jack I. Greenblat has served as a dedicated and conscientious chairman of the commission since April, 1978, and

“WHEREAS, The Pennsylvania Turnpike Commission has improved productive capacity by 36 percent in just four years, to wit: In 1980, the Pennsylvania Turnpike Commission had 1,867 employees, and a traffic flow of 57,000,000 vehicles, and in 1983 the employment figure was 1,865, two less persons, while the traffic flow increased to 70,000,000 vehicles,…”

POINT OF ORDER

Senator HOLL. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The gentleman from Montgomery, Senator Holl, will state it.

Senator HOLL. Mr. President, the point of order is in reading the resolution before this Body which has not been agreed to.

The PRESIDING OFFICER. A vote has not been taken yet, Senator. This is a congratulatory resolution.

Senator HOLL. Mr. President, is it customary to read congratulatory resolutions before this Body?

The PRESIDING OFFICER. It is not customary, Senator Holl, but it is not out of order, either.

Senator HOLL. Mr. President, at twenty after 7:00?

The PRESIDING OFFICER. It is not out of order. The gentleman is perfectly within his rights to do so, if he chooses to do so. Senator Zemprelli, you may continue.

Senator ZEMPRELLI. “...up by 15,000,000 from 1980; therefore be it

“RESOLVED, That the Senate of the Commonwealth of Pennsylvania extends its heartfelt gratitude and sincere congratulations to Jack I. Greenblat...noting with pride and admiration his numerous outstanding contributions to the Pennsylvania Turnpike Commission and this Commonwealth; and be it further

“RESOLVED, that a copy of this resolution” as stated and sponsored “be transmitted to Jack I. Greenblat at his home in Allentown, Pennsylvania.”

Mr. President, I offer the resolution and ask for its immediate adoption.

On the question,

Will the Senate adopt the resolution?

Senator BELL. Mr. President, I thoroughly concur with what the Minority Leader has just said. During my four years as Vice Chairman of the Committee on Transportation, I worked with Mr. Greenblat and I hold him in the highest esteem for what I have seen him do in performance of duty.

Senator KRATZER. Mr. President, speaking as the Senator from at least part of Lehigh County, I certainly want to join with my colleagues who have already spoken this evening and commend Chairman Jack Greenblat for his record of service and achievement, certainly, as the Chairman of our Pennsylvania Turnpike Commission. I think we would be remiss if we did not congratulate him and certainly extend him every cordial wish for the future. I thank my colleagues

of the Senate at this point for their indulgence and patience in hearing me on this subject. Thank you, Mr. President.

And the question recurring,
Will the Senate adopt the resolution?
The resolution was adopted.

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

Congratulations of the Senate were extended to Mr. and Mrs. Stephen J. Yerkins and to Mr. and Mrs. Charles Simon by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Richard J. Ferree and to Mr. and Mrs. Philip W. Wion by Senator Corman.

Congratulations of the Senate were extended to Amos S. Zimmerman, Jim Martin and to the Danville High School Wrestling Team by Senator Helfrick.

Congratulations of the Senate were extended to David J. Topieniak and Steven J. Topieniak by Senator Holl.

Congratulations of the Senate were extended to Michael J. Check and to the National Bank of Olyphant by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond H. Sterner by Senator Reibman.

Congratulations of the Senate were extended to the George W. Blank Supply Co. by Senator Ross.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred Shull and to Reverend and Mrs. N. K. Powell by Senator Shaffer.

Congratulations of the Senate were extended to the Phoenixville Knights of Columbus Council 1374 by Senator Stauffer.

BILLS ON FIRST CONSIDERATION

Senator KUSSE. 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 663, 748, 794, 1101, 1102, 1152, 1159, 1173, 1174, 1236, HB 178, 511, 846, 902 and 1672.

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, I am glad we have a new court reporter over here because there were some remarks earlier today that I take issue with.

My good friend, the gentleman from Montgomery, Senator Tilghman, remarked about the high quality of federal judges being selected by the President. I then went up and told him that he is old enough to remember when Franklin D.

Roosevelt packed the Supreme Court. We have some federal judges down our way who I wish did have to run for election. As far as the judge that has put the burden of emission controls on all the people of Allegheny County, Delaware County, Montgomery County and Philadelphia County, I would like to see that character run for election. We would run him all right, we would run him out of the state because I was informed just yesterday that this is going to drive 2,000 garage inspection stations out of business.

Then we had another gentleman whose qualification to become a federal judge was that he was defeated for Governor and he used to be our Lieutenant Governor. The first thing he did was start ripping to pieces our Department of Welfare mental hospitals. Now, I do not think federal judges are people we should pattern after. I concur, as I said yesterday, with the Pennsylvania Conference of Catholic Bishops who say we should educate our people how to vote, not take the right to vote away from our people.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1448**.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 408**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 639**, with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDING OFFICER (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

SB 639 and **HB 1448**.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, MARCH 30, 1984

10:00 A.M.	URBAN AFFAIRS AND	Room 400,
	to HOUSING (Public Hearing	Philadelphia City
1:00 P.M.	(on Senate Bill No. 1235)	Council Chambers,

Philadelphia

THURSDAY, APRIL 5, 1984

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

WEDNESDAY, APRIL 11, 1984

11:00 A.M.	Public Employee Retirement Study Commission	Room 459, 4th Floor Conference Rm., North Wing
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THURSDAY, APRIL 19, 1984

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

TUESDAY, APRIL 24, 1984

1:00 P.M.	ENVIRONMENTAL	Room 461,
	RESOURCES AND ENERGY	4th Floor
	(to consider Senate Bills	Conference Rm.,
	No. 1285, 1289; House Bills	North Wing
	No. 314 and 1863)	

ADJOURNMENT

Senator MOORE. Mr. President, I move that the Senate do now adjourn until Wednesday, March 28, 1984, at 10:30 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:28 p.m., Eastern Standard Time.