

Legislative Journal

MONDAY, JUNE 16, 1975

Session of 1975

159th of the General Assembly

Vol. 1, No. 32

SENATE

MONDAY, June 16, 1975.

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

The President pro tempore (Martin L. Murray) in the Chair.

PRAYER

The Chaplain, The Reverend JAMES T. TRACY, Pastor of St. Leo's Church, Ashley, offered the following prayer:

Let us pray:

We invoke the favor of the good God Who made us all.

We ask His perfect assistance for the men and women of our great Commonwealth of Pennsylvania who possess and share the responsibility of providing just and honorable government for all of its citizens. May God grant His special care to Governor Milton Shapp, Lieutenant Governor Ernest Kline and President pro tempore, Senator Martin Murray.

As your superior and cherished creatures, O Lord, keep us mindful of the indispensable love and respect You have for each of us, and of our awesome responsibility to return the same. May our personal principles and our daily activities always provide an unquestionable indication of this relationship we have with You.

May the work done in this assembly be a source of pride and satisfaction for its Members, and a credit to all of the people of Pennsylvania.

With sincere faith in You, God, we plead for strength, as we recognize our weakness, for peace within ourselves, as we attempt to be just, and for a deserving share of human happiness, as we endure the sometime struggle of human existence.

We ask all of these things from You, the good and generous God, Amen.

JOURNAL APPROVED

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

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

LEAVE OF ABSENCE

Senator MESSINGER asked and obtained leave of absence for Senator NOSZKA, for the week, because of illness.

SENATOR MESSINGER TO VOTE FOR SENATOR ZEMPRELLI

Senator MESSINGER. Mr. President, I request a legislative leave of absence for Senator Zemprelli for this week. He is attending the Pennsylvania Savings and Loan League Conference at Bedford Springs as Chairman of the Committee on Business and Commerce, and I will be voting for him.

The PRESIDENT pro tempore. The Chair hears no objection and the leave of absence will be granted.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE CAMBRIA COUNTY BOARD OF ASSISTANCE

June 12, 1975

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 Mrs. Shirley Causer (Independent), 33 Lincoln Terrace, Portage 15946, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1976, and until her successor is duly appointed and qualified, vice Mark A. Yelovich, resigned.

MILTON J. SHAPP

MEMBER OF THE CAMBRIA COUNTY BOARD OF ASSISTANCE

June 12, 1975

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 Valerio Scarton (Democrat), 630 Prospect Street, Portage 15946, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1977, and until his successor is duly appointed and qualified, vice Mrs. Rosemarie Tomljanovic, declined.

MILTON J. SHAPP

BILLS INTRODUCED AND REFERRED

Senator CIANFRANI presented to the Chair **SB 822**, entitled:

An Act granting power to the Prothonotary of the

Court of Common Pleas of Philadelphia, the Clerk of Quarter Sessions and the Clerk of the Municipal Court subject to the approval of the president judge, to fix fees to be received by them with respect to any proceeding, on the commencement of any action, the filing of any paper and the rendering of any service, and providing for fees and costs in arbitration and fees relating to the Office of the Court Administrator.

Which was committed to the Committee on Law and Justice.

He also presented to the Chair **SB 823**, entitled:

A Supplement to the act of (P. L. , No.), entitled "Motor License Fund Supplement to the General Appropriation Act of 1975," itemizing appropriations required from the Motor License Fund for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys.

Which was committed to the Committee on Appropriations.

He also presented to the Chair **SB 824**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as amended, "The Pennsylvania Workmen's Compensation Act," providing for assessment of insurers and self-insurers for necessary State expenses in administering the act and for certain reports in connection therewith.

Which was committed to the Committee on Labor and Industry.

He also presented to the Chair **SB 825**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as amended, "The Pennsylvania Workmen's Compensation Act," creating an advisory council.

Which was committed to the Committee on Labor and Industry.

He also presented to the Chair **SB 826**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as amended, "The Pennsylvania Workmen's Compensation Act," making certain editorial changes, providing for certain reporting requirements and the assessment of insurance carriers, self-insurers, and the State Workmen's Insurance Fund, and repealing an appropriation.

Which was committed to the Committee on Labor and Industry.

Senator **EARLY** presented to the Chair **SB 827**, entitled:

An Act providing for the regulation of travel promoters, requiring that certain bonds be secured for the benefit of customers; requiring bank deposits and providing penalties.

Which was committed to the Committee on Consumer Affairs.

He also presented to the Chair **SB 828**, entitled:

An Act authorizing the Department of Transportation to establish bicycle lanes; providing penalties, and making an appropriation.

Which was committed to the Committee on Transportation.

RECESS

Senator **MESSINGER**. Mr. President, at this time I request a recess of the Senate for the purpose of a Democratic caucus with the following instructions:

At 1:30 p.m. this afternoon there will be a meeting, which has been already announced, of the Committee on Appropriations. We are asking all Democratic Senators to stand by in their offices for a call to caucus after the meeting of the Committee on Appropriations with the expectation of returning to the floor at 3:30 p.m.

Senator **FRAME**. Mr. President, in conformity with the plan outlined by Senator Messinger, I would hope the Republican Senators, who are members of the Committee on Appropriations, would go to the meeting of the Committee on Appropriations, and following that meeting, respond to a call from the Chair to come to their caucus when that meeting is recessed.

The **PRESIDENT** pro tempore. The Senate will stand in recess until 3:30 p.m.

AFTER RECESS

The **PRESIDENT** (Lieutenant Governor **Ernest P. Kline**) in the Chair.

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

REPORTS FROM COMMITTEE

Senator **CIANFRANI**, by unanimous consent, from the Committee on Appropriations, reported, as committed, **SB 774, 823, HB 1333, 1334 and 1335**.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 181 (Pr. No. 1649)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator **TILGHMAN**. Mr. President, I would like to make some remarks about this bill, if I may, and I would like to point out to my colleagues that we are taking what I consider a rather far-reaching step in the amendment that was placed in this bill relative to the Western Psychiatric Institute.

Mr. President, as you know, we pass here in the General Assembly nonpreferred appropriation bills, and nonpreferred appropriation bills allocate funds to institutions and organizations not directly under the control of the State. They also require a two-thirds vote. I know that many of you here support the work of the Western Psychiatric Institute and so do I. We have similar organizations in other parts of the State. But by amendment we have taken a nonpreferred appropriation that requires a two-thirds vote and placed it in a bill that requires a simple majority. I do not see why we should not take every nonpreferred and place it in an appropriate piece of legislation and pass it with twenty-six votes. That is one reason I am going to vote against this piece of legislation, House Bill No. 181.

Mr. President, I would like to now, if I may, address myself to the deficiency appropriation in this bill that will go to the Department of Justice for the use of the Bureau of Corrections. This is a deficiency appropriation of \$4,800,000. When we first started investigating this bill we were told that it was for salaries. However, we later received a breakdown. You will see a breakdown in the bill itself, on page 2, starting at the bottom of page 2, classifying the amount of money that would go to each institution. When we brought this bill out of committee with this amendment, it was stated that we would appropriate that money to the institutions. Thereby we would prevent the Bureau of Corrections from using this money for other purposes, as they have done so in the past, as I will show to you in a few minutes.

However, because of the fact that Mr. McIntosh felt that it would be a difficult thing to set up a number for each appropriation, the bill was further amended to state that this money would be allocated to the institutions which you see listed in the bill. That is very nice and it is a little step down the road but it still does not mean that the Bureau will not misuse the funds.

Mr. President, you have heard me talk about the Bureau of Corrections in the past. I do not think it is well run and I want to show you some figures that would substantiate my statements. They say they need this money for several purposes, and the leading purpose, according to what they have told me, is for the hiring of additional guards in the correctional institutions.

Mr. President, during the 1972-1973 fiscal year, the General Assembly passed an appropriation of \$1 million, Act 2-A, for sixty new correctional institution guards at Graterford. We questioned, in the Republican caucus, Mr. Werner, as to why these positions were not filled. I remember saying—and I am not sure whether there is a tape on the job—to him, "Have you heard the expression, 'You are giving me a snow job?'"

He said, "Yes, I have."

I said, "You are giving us one."

As far as we could find out, ten new guards were hired with the money that we appropriated specifically for Graterford; ten were transferred to other positions, sixteen were used to establish treatment programs at Norristown State Hospital, eight went to infirmary supervisor, administrative assistants and correction counsellor, in direct violation of the law. The bill was very specific as to what we passed.

Now, Mr. President, let us take these correctional institutions and how they are run by the Bureau of Corrections. Over the last month or so this bill has been around, while the gentleman from Philadelphia, Senator Cianfrani, very kindly gave me time to try to find out the background of this legislation, the Union of State employees came to see me; they discussed the fact that I might be holding up pay for the state employees. I also pointed out to them certain facts and the man who came to see me told me, "Yes, we know that we are being—" and he used this word—"used." I have it in quotes. Why did he say that? I will tell you why: Because the correctional institutions and the Bureau of Corrections, on March 31, 1975, took \$240,386.51 from salaries and used it for other purposes.

On February 27, 1975, they took \$903,000 from salaries and used it for other purposes.

On January 6, 1975 they took \$819,000 from salaries and used it for other purposes. I have not found out what

they were. I do not know what they are. There was a total misuse of money appropriated for salaries of \$1,962,386.51, and that comes from the budget office.

Mr. President, the Bureau of Corrections gets certain funds for its operation and it acts as a conduit for funds that pass through the Bureau to the institutions mentioned here, and some others. In the last three years, 1972-1973, 1973-1974 and 1974-1975, the Bureau of Corrections has gone from an appropriation of \$918,000 to \$2,285,000, for an increase, in three years, of 155 per cent. The State correctional institutions, in the same three years, the institutions mentioned in this bill, have increased sixty-two per cent in three years.

Mr. President, I also have in my hand the Auditor General's report of April 15, 1974, talking about the Bureau of Corrections, the misuse of their funds and the fact that they pay overtime to some of the guards. In Graterford alone the pay of the superintendent is \$19,000. Some of the guards were making, in overtime, \$20,147. Another guard was making \$26,794. In other words, the guards, on an overtime basis, are making more money than the superintendent.

You say then, "Why do we not pass this legislation increasing their salaries?" The closest we can find from guards in Graterford is a kind of understanding: "Come to work with us, we will keep the payroll low and give you overtime." It is not in writing. You may say that is a reason to vote for this legislation. It may be in your mind. I happen to think the Bureau of Corrections is so badly run that we should not give them any funds, whatsoever, until they come before us and answer some of the hard questions that I would like to put to them.

Senator CIANFRANI. Mr. President, I would wholeheartedly concur with my colleague from Montgomery, Senator Tilghman. This has been a long-standing problem involving the Bureau of Corrections. However, I would like to point out the two specific areas that he mentions. First, concerning the Western Psychiatric Hospital, I do concur with him regarding how the appropriation should be handled and it probably should receive a two-thirds vote. However, the situation surrounding that money is that the Department of Welfare and the Department of Health had asked this particular installation to furnish certain services, with the understanding that they would be compensated and I certainly do want to abide by and honor whatever their agreement was regarding the appropriations and the changing of the word to "allocation."

I believe that was done with a twofold purpose. First and foremost, using the word "appropriation" would entail quite a lot of paper work and once again in front of us is a piece of legislation that we consider eleventh-hour legislation. It seems, unfortunately, that is always our problem. I discussed the matter with my colleague and explained to him at the time that I would line-item each and every item because I, myself, am concerned with how these moneys are being spent. It was called to my attention that if this bill was not passed last week or at the very least, today, there may be a payless pay day for certain employees.

Mr. President, I would ask the gentleman to have some sort of change of heart. I am very disappointed with the situation the way it is being run. I think changes are forthcoming. I explained that to the gentleman. We are going to have the people back in from time to time to question them. I certainly will work side by side with

him to try to rectify this condition. I am very much disturbed about the situation, but this legislation today is very much needed. It is my understanding that if it does not go over to the House today, they will not have enough money to meet the payroll and for that reason, I think it necessitates our vote. I assure you that whatever corrections are forthcoming, I will work with the gentleman from Montgomery, Senator Tilghman, along those lines. I think the gentleman already knows that.

Senator TILGHMAN. Mr. President, I thank the gentleman from Philadelphia, Senator Cianfrani, for his words. I know he means them because he has been as concerned as I have been about some of the antics in the Bureau of Corrections.

PARLIAMENTARY INQUIRY

Senator TILGHMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Montgomery, Senator Tilghman, will state it.

Senator TILGHMAN. Mr. President, is it the consideration of the Chair that taking a nonpreferred appropriation, with no control over it by the Commonwealth, funneling the money through the Department of Welfare and then sending it to the Western Psychiatric Institute, is constitutional?

The PRESIDENT. We will be at ease for just a minute. (The Senate was at ease.)

The PRESIDENT. The Senate will be in order.

Senator Tilghman has raised the parliamentary question as to what effect the inclusion on page 3 of the amendment, making a specific appropriation to the Department of Public Welfare, has upon the status of House Bill No. 181. It would be the ruling of the Chair that even though the basic and original purpose of the bill, which made an appropriation to the Department of Justice is, indeed, in order, from the standpoint of a preferred appropriation, the Chair believes that the inclusion of the appropriation to the Department of Public Welfare constitutes a nonpreferred appropriation and, therefore, this bill, if it is to be passed as it is presently stated, in toto, would require a two-thirds constitutional majority since the Chair would view it as a nonpreferred appropriation.

Senator CIANFRANI. Mr. President, I would want to alert the membership that I am in accord with the ruling of the Chair. However, I would like to point out once again that I have been informed by the Department that this bill must be passed in order to meet the payroll, which I believe comes up within a couple of weeks. Therefore, I want to caution every Member to exercise his vote in a wise manner.

Senator HOLL. Mr. President, over a long period of time a group of Senators has been meeting with the Department of Justice, Mr. Werner, and with the Bureau of Corrections, with reference to the overtime payments at Graterford and other institutions, which is not only very expensive but it does not provide the kind of service that we should have in our institutions.

I believe we are being ignored by this Department, not only in connection with the overtime but in many other areas of our concern. We have tried and tried for several years to get some degree of cooperation from the Department of Justice and, more specifically the Bureau of Corrections, without success.

Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Cianfrani.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Cianfrani, permit himself to be interrogated? Senator CIANFRANI. I will, Mr. President.

Senator HOLL. Mr. President, possibly a way to correct this would be if the Chairman of the important Committee on Appropriations would agree that in the near future we could sit down and meet with the head of the Department of Justice, and Mr. Werner of the Bureau of Corrections, to find out in what direction they are going in manning their institutions and with reference to overtime. I think it is a fair question and I think we all agree, those of us who know about it.

With that kind of assurance, I certainly can give him my vote.

Senator CIANFRANI. Mr. President, I think we already agreed to that. You must remember this is a deficiency appropriation. I think it was made very clear at the last meeting that prior to any appropriation for the new year, we intend to sit down with those people. I assure the gentlemen we will.

Senator HOLL. Mr. President, do I understand that we will then, in the not too distant future, have a meeting with Mr. Werner and Mr. Kane, possibly, and get into this problem? This has been going on for a long time, Mr. President, and I think the meeting is in order.

Senator CIANFRANI. Mr. President, that is an understatement. I assure the gentleman we will.

Senator KELLEY. Mr. President, directing attention to page 3, under the Department of Welfare, I wish to raise a point.

Mr. President, for purposes of establishing legislative history, I desire to interrogate the gentleman from Philadelphia, Senator Cianfrani.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Cianfrani, permit himself to be interrogated for the purpose of going down in the history books?

Senator CIANFRANI. I will, Mr. President.

Senator KELLEY. Mr. President, I notice, beginning on page 3, line 9, the description for an appropriation of \$400,000, there is no specific institution named in the language. I would like to know, for purposes of establishing legislative history, if there is a specific institution in mind to be the recipient of this money.

Senator CIANFRANI. Mr. President, there is. I had hoped that I could persuade the President to rule that it would not be voted upon as a nonpreferred appropriation. That was the reason I did not put the name in. However, as you can see, I was wrong once again.

Senator KELLEY. Mr. President, would the gentleman care to identify the name of that institution, please?

Senator CIANFRANI. Western Psychiatric Institution, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—44

Ammerman,	Frame,	Lewis,	O'Pake,
Andrews,	Hankins,	Lynch,	Orlando,
Arlene,	Hess,	Manbeck,	Reibman,
Cianfrani,	Hill,	McKinney,	Ross,
Coppersmith,	Stobbs,	Mellow,	Scanlon,

Dougherty, Duffield, Dwyer, Early, Ewing, Fleming,	Holl, Howard, Jubelirer, Kelley, Kury, Lentz,	Messinger, Moore, Murphy, Murray, Myers, Nolan,	Smith, Snyder, Stauffer, Sweeney, Wood, Zemprelli,
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NAYS—4

Bell,	Hager,	Stapleton,	Tilghman,
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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 Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SB 368 CALLED UP OUT OF ORDER

SB 368 (Pr. No. 543)—Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 368 (Pr. No. 543)—Considered the third time,

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

FRAME AMENDMENT

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

Amend Sec. 9 (Sec. 2401.1), page 15, line 7, by removing the comma after "members" and inserting: who shall be United States citizens and Pennsylvania residents,

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

Senator SCANLON. Mr. President, this amendment, which attempts to limit membership on the selection committee to citizens of the United States and Pennsylvania residents, poses some constitutional questions that appear to be contrary to several opinions of the Attorney General on this particular subject.

For that reason, Mr. President, I ask the Members of this Senate to oppose the amendment.

Senator FRAME. Mr. President, may I point out that the amendment is a relatively simple one. The bill, in its present form, provides for a selection committee appointed by the Governor composed of architects and engineers or other persons knowledgeable in the field of building construction. That committee would have the obligation of making certain recommendations to the Department for the selection of professional personnel for each project undertaken by the Department.

As my colleague has pointed out, the effect of the amendment is simply to provide that the members of the selection committee have to be United States citizens and Pennsylvania residents. We recently pointed out to some of the officials involved that not all of the members of the present functioning selection committee are Pennsylvania residents nor United States citizens. I think that even those who were involved in the appointments were surprised and shocked to find this out. This is, of course, a very usual, frequently found condition precedent to

appointments to offices under the law of the Commonwealth.

Mr. President, I ask for a roll call vote on this amendment.

Senator TILGHMAN. Mr. President, I desire to interrogate the gentleman from Venango, Senator Frame.

The PRESIDENT. Will the gentleman from Venango, Senator Frame, permit himself to be interrogated?

Senator FRAME. I will, Mr. President.

Senator TILGHMAN. Mr. President, is it not correct that at the present time one of the members serving on this board lives in England?

Senator FRAME. Mr. President, I am so informed that that is true.

Senator TILGHMAN. Mr. President, I find it difficult to see why the gentleman from Allegheny, Senator Scanlon, can be opposed to this amendment if at the present time we have a person living in England who is supposed to help us with building in Pennsylvania. I wonder if the gentleman is proposing that we take somebody from Michigan and Indiana to come in for the meetings. I think it is little enough to ask that they be residents of Pennsylvania.

Senator SCANLON. Mr. President, I am surprised to hear the gentleman from Montgomery, Senator Tilghman, object to someone from England. I was under the impression that he was from Ireland.

Senator HOLL. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Scanlon.

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

Senator SCANLON. I will, Mr. President.

Senator HOLL. Mr. President, the gentleman referred to an opinion by the Attorney General on a constitutional question. Does the gentleman have that opinion, and if so, would he so state it?

Senator SCANLON. Mr. President, I do not have a copy of the opinion, but I have been advised by counsel there are several opinions on this point.

Senator HOLL. Mr. President, the answer is not clear. Do I understand the gentleman to say that the Attorney General ruled that this amendment is unconstitutional?

Senator SCANLON. No, Mr. President, he ruled on other issues along these lines where you attempt to restrict by citizenship. He ruled that it was unconstitutional. I do not have a copy of the opinion.

Senator FRAME. Mr. President, I am sorry the gentleman from Allegheny, Senator Scanlon, cannot give us the opinion to study, but the rulings of this nature were in regard to other issues than that of holding public office of trust under the Commonwealth.

Senator BELL. Mr. President, I would assume then, according to the information from the gentleman from Allegheny, Senator Scanlon, that Article II, Section 5 of our Constitution is unconstitutional. This requires a Senator to have been a citizen, an inhabitant of the State for a period of four years, and an inhabitant of the gentleman's respective District one year next before his election.

Senator SCANLON. Mr. President, there is no question about that. But, the Constitution sets forth the requirements for my residency while it is silent on this particular type of position. There are opinions that indicate that any restrictions along these lines would be unconstitutional.

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

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

YEAS—20

Andrews,	Fleming,	Holl,	Moore,
Bell,	Frame,	Howard,	Snyder,
Dougherty,	Hager,	Jubelirer,	Stauffer,
Dwyer,	Hess,	Lentz,	Tilghman,
Ewing,	Hobbs,	Manbeck,	Wood,

NAYS—28

Ammerman,	Hill,	Messinger,	Reibman,
Arlene,	Kelley,	Murphy,	Ross,
Cianfrani,	Kury,	Murray,	Scanlon,
Coppersmith,	Lewis,	Myers,	Smith,
Duffield,	Lynch,	Nolan,	Stapleton,
Early,	McKinney,	O'Pake,	Sweeney,
Hankins,	Mellow,	Orlando,	Zemprelli,

So the question was determined in the negative, and the amendment was defeated.

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

HAGER AMENDMENTS

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

Amend Sec. 9 (Sec. 2401.1), page 14, line 29, by inserting after "(19)": (i)

Amend Sec. 9 (Sec. 2401.1), page 15, lines 1 through 4, by striking out "and, on the" in line 1, all of lines 2 and 3 and "discretion, inspection, under this act." in line 4 and inserting: through a Selections Committee appointed by the Governor by and with the consent of a majority of the members elected to the Senate, (ii)

Amend Sec. 9 (Sec. 2401.1), page 15, lines 17 through 19, by striking out "and of publicly recommending to the" in line 17, all of line 18 and "order of its preference for each project" in line 19

Amend Sec. 9 (Sec. 2401.1), page 15, line 20, by striking out "so recommended" and inserting: who is interested

Amend Sec. 9 (Sec. 2401.1), page 15, line 21, by striking out "department" and inserting: Selections Committee

Amend Sec. 9 (Sec. 2401.1), page 15, line 22, by striking out "department" and inserting: Selections Committee

Amend Sec. 9 (Sec. 2401.1), page 15, lines 23 and 24, by striking out "been recommended by the Selections Committee" and inserting: applied for the project

Amend Sec. 9 (Sec. 2401.1), page 15, line 24, by striking out "department" and inserting: Selections Committee

Amend Sec. 13, (Sec. 2408), page 19, line 3, by inserting brackets before and after "select" and inserting immediately thereafter: employ

Amend Sec. 13 (Sec. 2408), page 19, line 4, by inserting after "both,": selected

Amend Sec. 13 (Sec. 2408), page 19, line 4, by striking out "selection"

On the question,
Will the Senate agree to the Hager amendments?

Senator HAGER. Mr. President and Members of the

Senate, these amendments are to continue to preserve the present method of selection of architects which is being used under the present Administration.

For some time the procedure has been different but recently, for the past six months or so, the architect selection committee's choice has been final and has not been subject to change by the Secretary of Property and Supplies. The whole purpose of these amendments is to say that the selection committee makes an appointment of an architect, who shall be the choice.

Under the bill, as presently written, the architect selection committee makes three selections in order of preference, but the new secretary of this new department will be able to pick and choose among those three.

I have discussed these amendments with Secretary Lench, and as I told him, I want to be very quick to tell you that I have absolutely no concern about Secretary Lench or the selections he might make. The problem is, however, that Secretary Lench will not always be the Secretary of Property and Supplies or of this new merged department. I think that the present system is as free of politics as it could possibly be. I think it is as free of undue influence, fraud or any other untoward aspect to the choice of an architect as we could possibly get it.

The amendments would provide for selection of the five-man selection committee by the Governor with the consent of the Senate. That consent would be the majority of the Senate, not the two-thirds. It would go, I think, a long way to insure for the public the fact that the selection of architects will, once and for all, be totally and completely devoid of political influence.

Mr. President, I ask for the support of all the Members and I ask for a roll call vote.

Senator SCANLON. Mr. President, the bill requires that the selections committee nominate three candidates for the particular engineering or architectural job and that the selection is made from that list by the secretary of the new department, who is also appointed by the Governor and who is approved by a vote of two-thirds of the Senate.

If we were to accept the position of the gentleman from Lycoming, Senator Hager, in this matter, we would be removing any executive input into the operation of the new department. It is felt that permitting the secretary of the new department to make the ultimate selection would render it more answerable to the people, to the taxpayers and to the voters.

For that reason, Mr. President, I ask that a negative vote be cast on these amendments.

And the question recurring,
Will the Senate agree to the Hager amendments?

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

YEAS—21

Andrews,	Frame,	Holl,	Moore,
Bell,	Hager,	Howard,	Snyder,
Dougherty,	Hess,	Jubelirer,	Stauffer,
Dwyer,	Hill,	Lentz,	Tilghman,
Ewing,	Hobbs,	Manbeck,	Wood,
Fleming,			

NAYS—27

Ammerman,	Kelley,	Murphy,	Ross,
Arlene,	Kury,	Murray,	Scanlon,
Cianfrani,	Lewis,	Myers,	Smith,
Coppersmith,	Lynch,	Nolan,	Stapleton,

Duffield, Early, Hankins,	McKinney, Mellow, Messinger,	O'Pake, Orlando, Reibman,	Sweeney, Zemprelli,
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So the question was determined in the negative, and the amendments were defeated.

And the question recurring,

Will the Senate agree to the bill on third consideration?

FRAME AMENDMENTS

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

Amend Sec. 9 (Sec. 2401.1), page 11, line 2, by inserting after "Services.—": (a)

Amend Sec. 9, (Sec. 2401.1), page 16, by inserting between lines 11 and 12:

(b) In order to insure due regard for the comparative urgency of need for such buildings, no moneys shall be used to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of twenty-five thousand dollars (\$25,000) if the capital budget authorizing such construction, alteration, purchase, or acquisition has been approved more than one year prior to the beginning of such construction or alteration or date of purchase or acquisition unless approved by resolutions adopted by the Appropriations Committees of the Senate and House of Representatives, respectively. No appropriation shall be used to lease any space at an average annual rental in excess of twenty-five thousand dollars (\$25,000) for use for public purposes if such lease has not been approved by resolutions adopted by the Appropriations Committees of the Senate and House of Representatives, respectively. For the purpose of securing consideration for such approval, the secretary shall transmit to the General Assembly a prospectus of the proposed facility including, but not limited to:

(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased;

(2) the location of the building or space to be leased and an estimate of the maximum cost to the Commonwealth of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

(3) a comprehensive plan for providing space for all officers and employes in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Commonwealth owned or occupied buildings;

(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the secretary that suitable space owned by the Commonwealth is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

(5) a statement of rents and other housing costs currently being paid by the Commonwealth for State agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

(c) The estimated cost of any project authoriz-

ed in a capital budget may be increased by an amount as determined by the secretary pursuant to section 2401.1 (a) (13), but in no event shall the increase authorized by section 2402.1 (a) (13) exceed ten per centum (10%) of such estimated cost, unless approval of such increase has been obtained from the Appropriation Committees of the Senate and the House of Representatives.

(d) In the case of any project approved for construction, alteration, or acquisition by the Appropriations Committees of the Senate and the House of Representatives, respectively, in accordance with subsection (b) for which construction has not been begun within one year after the date of such approval, either the Appropriations Committees of the Senate or the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such construction has begun.

(e) Nothing in this section shall be construed to prevent the secretary from entering into emergency leases during any period declared by the Governor to require such emergency leasing authority, except that no such emergency lease shall be for a period of more than one hundred eighty days without approval of a prospectus for such lease in accordance with subsection (b).

On the question,

Will the Senate agree to the Frame amendments?

Senator FRAME. Mr. President, the intent of the amendments now before the Senate is to insure that there be some continuing legislative overseeing of the development of certain projects by this proposed agency, under certain circumstances, and to avoid an undue concentration of power in any one public official.

The proposed amendments provide that where a lease is proposed for space that would require an annual rental in excess of \$25,000 and further, that where a major project, which is one costing over \$25,000, the authorization for which is over one year old, that the going forward in those two instances shall be subject to a condition precedent of the approval by the Committees on Appropriations of both the House and the Senate.

The amendments further provide that where it is proposed to let bids on a project, the cost of which, under the bidding, would be in excess of ten per cent of the estimated cost, the cost would be in excess of one hundred ten per cent of the sums allocated by the capital budget bill of the General Assembly, then the approval of the House and Senate Committees on Appropriations would also be required as a condition precedent.

We feel that this would retain a sense of authority and responsibility in the duly elected Members of the General Assembly or any of their representatives on the respective Committees on Appropriations and, as such, would be highly desirable in the economical and orderly conduct of the proposed responsibility of this agency.

Mr. President, while I would like to ask for a roll call vote on the amendments I have just offered, in the interest of time I have no objection to taking the straight party line vote that has apparently been inflicted by virtue of the vote taken on the first amendment.

Senator CIANFRANI. Mr. President, perhaps what I

have to say will persuade a few of the Members to vote against these amendments. As Chairman of the Committee on Appropriations, those of you who are familiar with me know I have never shirked my duties, I certainly do not run away from responsibility, but I would not like the pleasure of okaying leases at this particular time. In fact, I want to stay as far away from it as possible, so you are not doing me any favor. I would caution the gentleman from Montgomery, Senator Tilghman, to do likewise, and I certainly hope he will vote in the negative.

And the question recurring,
Will the Senate agree to the Frame amendments?

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

YEAS—19

Andrews, Bell, Dougherty, Dwyer, Ewing,	Fleming, Frame, Hager, Hess, Hobbs.	Holl, Howard, Jubelirer, Lentz, Manbeck,	Moore, Snyder, Tilghman, Wood,
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NAYS—29

Ammerman, Arlene, Cianfrani, Coppersmith, Duffield, Early, Hankins, Hill,	Kelley, Kury, Lewis, Lynch, McKinney, Mellow, Messinger,	Murphy, Murray, Myers, Nolan, O'Pake, Orlando, Reibman,	Ross, Scanlon, Smith, Stapleton, Stauffer, Sweeney, Zemprelli,
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So the question was determined in the negative, and the amendments were defeated.

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?

Senator SCANLON. Mr. President, I would like to submit a written statement for the record, please.

The PRESIDENT. The gentleman's remarks will be recorded in the record.

(The following prepared statement was made a part of the record at the request of the gentleman from Allegheny, Senator SCANLON:)

Senator SCANLON: Senate Bill No. 368 concerns itself with a very urgent issue, i.e., the merging of the General State Authority with the Department of Property and Supplies to form the new Department of General Services.

This is not the first time that Legislators and other conscientious parties have called for the dissolving of the GSA. Let us take an objective look backwards to the birth and development of the GSA only that we may sharpen our present vision and indeed demand the demise of this vestigial authority.

The GSA was created in 1949, primarily to circumvent the constitutional provision that limited the State to a million dollar construction debt. The State was not allowed to issue general obligation bonds, so the idea of an authority cleverly skirted this constriction. How-

ever, in 1968, Article 8, Section 7, amended the Pennsylvania Constitution so that the Commonwealth was given the power to issue general obligation bonds. With this amendment, the GSA lost its very reason for existing. Unfortunately, for financial as well as functional reasons, the GSA continued to exist.

From 1968 to the present, the GSA has been under fire. Having lost its reason for existence, it bore the stigma of a wasteful bureaucracy. And, that it has been indeed. A plethora of criticism points to its shabbiness: The duplication of effort by the GSA and the Department of Property and Supplies; the escalation of administrative costs; administrative delays impairing efficiency; both excessive and deficient construction designs. On December 24, 1970, The Philadelphia Inquirer berated the GSA for its shabbiness. It said that while other agencies do something to waste money, the GSA does nothing and wastes money in the process.

In answer to all this criticism, various reports and studies were made. Governor Shafer's "Little Hoover Committee" called for the abolishment of the GSA in January of 1970. This report estimated that twelve million dollars per annum could be saved by so doing.

Early in Governor Shapp's Administration, the Pennsylvania Economy League requested an examination of all Commonwealth construction. The League reported very extensively to the Governor in November of 1971; and it, too, recommended consolidating the General State Authority and the Department of Property and Supplies in order to eliminate inter-agency duplications and needless delays due to administrative clogs. The League diligently outlined the duties and privileges of the new department.

Concurrent with this League study was Governor Shapp's Special Task Force, organized to examine all aspects of State government operations. The task force concluded that "Construction management functions in the Commonwealth are highly fragmented." It also recommended a new department saying, "A department is needed to consolidate building construction activities which are now handled by five separate agencies. While Governor Shafer's Hoover Committee had estimated a twelve million dollar savings per annum, this more recent task force estimated the annual savings to be in excess of 14.1 million dollars.

Various legislation followed these recommendations; but, I feel that Senate Bill No. 368 states its case most intelligently and reasonably. The time is ripe for us to act on this bill. The public and the press demand that we do so. Our own sound reasoning demands the same. In light of our present economic condition—in which austerity is the key word—I feel that the continuance of waste and surplusage is highly undesirable. Senate Bill No. 368 makes a lot of sense.

Its five-member professional selections committee—composed of architects, engineers, and other persons knowledgeable in the field of building construction—will negate any cloudy stigma attached to the award of contracts.

We must call a halt to the present inefficiency and waste inherent in the GSA. I support Senate Bill No. 368, as amended, and I hope you will support it as well, as it vitally affects the general public.

Senator TILGHMAN. Mr. President, on this important piece of legislation, I think my constituents are entitled

to know I am going to vote in the negative on this bill.

Mr. President, what we are really doing is saying here in the General Assembly that we have a problem facing the General Assembly. We do not know how to correct the problem and we are simply going to move it away from the General Assembly, we are going to lose that authority, we are going to lose that interest and give it to another person. It seems to me that is rather a sick way of facing up to our responsibilities.

I have spoken before here on the floor and I voted in the negative on legislation that continually whittles away at the legislative authority. This bill not only whittles away at it, it chops away at it. We are saying we will give this authority encompassed in this bill to the Secretary of the Department of General Services. We are creating a new Department for which I see no need. I did not vote for PennDOT when it was formed. It seems to me that was a very wise vote of mine, but you may disagree. They have moved the Department of Motor Vehicles into PennDOT and I have seen no improvement in that. I did not vote for the Department of Environmental Resources when it was formed. I do not see that this large Department has accomplished anything the other Departments had not accomplished, except to succeed in renting all of the hotels that used to be here in Harrisburg.

Mr. President, we are going to give this new Secretary of General Services a vast amount of authority. I have the utmost faith in the present gentleman that would probably get confirmed to that office, but I would ask you to just look back a few months at the previous Secretary of the Department of Property and Supplies and look at the way he handled the insurance agents and wonder what could happen down the road twenty years from now, thirty years from now, five or six years from now. I do not like to see the General Assembly lose its authority and, if you will, escape its responsibility by saying we will give all this authority to another man who was not even elected by the people of Pennsylvania.

For these reasons, Mr. President, I am going to vote in the negative.

And the question recurring,
Shall the bill pass finally?

(During the calling of the roll, the following occurred:) Senator KURY. Mr. President, being momentarily distracted, I was voting under a misapprehension and would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—43

Ammerman,	Fleming,	Manbeck,	Reibman,
Andrews,	Hankins,	McKinney,	Ross,
Arlene,	Hill,	Mellow,	Scanlon,
Bell,	Holl,	Messinger,	Smith,
Cianfrani,	Howard,	Moore,	Snyder,
Coppersmith,	Jubelirer,	Murphy,	Stapleton,

Dougherty,	Kelley,	Murray,	Stauffer,
Duffield,	Kury,	Myers,	Sweeney,
Dwyer,	Lentz,	Nolan,	Wood,
Early,	Lewis,	O'Pake,	Zemprell,
Ewing,	Lynch,	Orlando,	

NAYS—5

Frame,	Hess,	Hobbs,	Tilghman,
Hager,			

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

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

The PRESIDENT pro tempore (Martin L. Murray) in the Chair.

BILL ON THIRD CONSIDERATION AMENDED

SB 41 (Pr. No. 41)—Considered the third time,

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

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

Amend Sec. 1 (Sec. 1906-A), page 2, line 12, by inserting after "and": subject to the approval of the Board of Commissioners of Public Grounds and Buildings.

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 FRAME.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 102 (Pr. No. 102)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator BELL. Mr. President, I am going to vote "no" on Senate Bill No. 102. Since 1868, the honorable discharges of men of the Armed Forces have been recorded in the courthouses of this Commonwealth. There is nothing in an honorable discharge that any former serviceman should be ashamed of. Now we are to make them confidential records. I think this is improper. I think, in the years to come, as people search the records to see who served in the Armed Forces, they will run into a blank, black wall of confidentiality and I do not think this is good legislation.

And the question recurring,
Shall the bill pass finally?

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

YEAS—30

Andrews,	Hager,	Lynch,	Orlando,
Arlene,	Hankins,	Manbeck,	Reibman,
Coppersmith,	Hess,	Mellow,	Ross,
Dougherty,	Hobbs,	Messinger,	Smith,
Dwyer,	Holl,	Murphy,	Tilghman,
Ewing,	Jubelirer,	Nolan,	Wood,

Fleming, Kelley, O'Pake, Zemprell,
Frame, Kury,

NAYS—18

Ammerman, Hill, Moore, Snyder,
Bell, Howard, Murray, Stapleton,
Cianfrani, Lentz, Myers, Stauffer,
Duffield, Lewis, Scanlon, Sweeney,
Early, McKinney,

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

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

HB 187 (Pr. No. 208)—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—44

Ammerman,	Hager,	Lynch,	Orlando,
Andrews,	Hankins,	Manbeck,	Reibman,
Arlene,	Hess,	McKinney,	Ross,
Cianfrani,	Hill,	Mellow,	Scanlon,
Coppersmith,	Hobbs,	Messinger,	Smith,
Dougherty,	Howard,	Moore,	Snyder,
Duffield,	Jubelirer,	Murphy,	Stapleton,
Dwyer,	Kelley,	Murray,	Stauffer,
Early,	Kury,	Myers,	Sweeney,
Ewing,	Lentz,	Nolan,	Tilghman,
Fleming,	Lewis,	O'Pake,	Zemprell,

NAYS—4

Bell, Frame, Holl, Wood,

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

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

BILLS OVER IN ORDER

HB 197, SB 229 and HB 282—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 303 (Pr. No. 626)—Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

Senator BELL. Mr. President, Senate Bill No. 303 opens an entire new vista for State spending. This would permit the General State Authority, although we may not have one by the time it passes, to build courthouses for favored counties. I am going to predict that if this camel's nose passes, within a very short time there will come out a capital budget that will have money in it for a new courthouse for the City of Philadelphia and a new courthouse for the County of Allegheny. Now,

somebody says, "What is wrong with that?" I do not live in either county and that is what is wrong with it. I predict that those two courthouses will cost the Commonwealth of Pennsylvania, in bond money, about \$120 million. Then the rest of you get in line and start logrolling and line yourselves up so the other sixty-five counties can all get courthouses. I think this is fiscally irresponsible and there is no reason why the State should go into a new field of building everybody a courthouse.

And the question recurring,
Shall the bill pass finally?

VERIFICATION OF THE ROLL

Senator SMITH. Mr. President, I ask for a verification of the roll for those recorded as voting in the negative.

The PRESIDENT pro tempore. Request has been made to have the negative roll verified. The Clerk will proceed to call the names of those recorded as voting in the negative.

The Clerk read the names of those recorded as having voted in the negative as follows:

Andrews,	Hess,	Lewis,	Ross,
Bell,	Hobbs,	Manbeck,	Snyder,
Coppersmith,	Holl,	Messinger,	Stapleton,
Dwyer,	Howard,	Moore,	Stauffer,
Ewing,	Jubelirer,	Murphy,	Sweeney,
Fleming,	Kury,	Myers,	Tilghman,
Frame,	Lentz,	O'Pake,	Wood,
Hager,			

The PRESIDENT pro tempore. Are there any corrections? The Chair hears none. The negative roll will stand as verified.

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

YEAS—19

Ammerman,	Early,	McKinney,	Reibman,
Arlene,	Hankins,	Mellow,	Scanlon,
Cianfrani,	Hill,	Murray,	Smith,
Dougherty,	Kelley,	Nolan,	Zemprell,
Duffield,	Lynch,	Orlando,	

NAYS—29

Andrews,	Hess,	Lewis,	Ross,
Bell,	Hobbs,	Manbeck,	Snyder,
Coppersmith,	Holl,	Messinger,	Stapleton,
Dwyer,	Howard,	Moore,	Stauffer,
Ewing,	Jubelirer,	Murphy,	Sweeney,
Fleming,	Kury,	Myers,	Tilghman,
Frame,	Lentz,	O'Pake,	Wood,
Hager,			

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

BILL OVER IN ORDER

SB 377—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 489 (Pr. No. 792)—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—48

Ammerman,	Frame,	Lewis,	Orlando,
Andrews,	Hager,	Lynch,	Reibman,
Arlene,	Hankins,	Manbeck,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Cianfrani,	Hill,	Mellow,	Smith,
Coppersmith,	Hobbs,	Messinger,	Snyder,
Dougherty,	Holl,	Moore,	Stapleton,
Duffield,	Howard,	Murphy,	Stauffer,
Dwyer,	Jubelirer,	Murray,	Sweeney,
Early,	Kelley,	Myers,	Tilghman,
Ewing,	Kury,	Nolan,	Wood,
Fleming,	Lentz,	O'Pake,	Zemprelli,

NAYS—0

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

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

SB 529 (Pr. No. 553)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

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

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

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

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

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

YEAS—30

Ammerman,	Frame,	Manbeck,	Orlando,
Arlene,	Hankins,	McKinney,	Reibman,
Bell,	Hill,	Mellow,	Ross,
Cianfrani,	Holl,	Messinger,	Scanlon,
Coppersmith,	Jubelirer,	Murphy,	Smith,
Dougherty,	Kelley,	Murray,	Sweeney,
Duffield,	Lewis,	Nolan,	Zemprelli,
Early,	Lynch,		

NAYS—18

Andrews,	Hess,	Moore,	Stapleton,
Dwyer,	Hobbs,	Myers,	Stauffer,
Ewing,	Howard,	O'Pake,	Tilghman,
Fleming,	Kury,	Snyder,	Wood,
Hager,	Lentz,		

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

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

HB 663 (Pr. No. 745)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Ammerman,	Frame,	Lewis,	Orlando,
Andrews,	Hager,	Lynch,	Reibman,
Arlene,	Hankins,	Manbeck,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Cianfrani,	Hill,	Mellow,	Smith,
Coppersmith,	Hobbs,	Messinger,	Snyder,
Dougherty,	Holl,	Moore,	Stapleton,
Duffield,	Howard,	Murphy,	Stauffer,
Dwyer,	Jubelirer,	Murray,	Sweeney,
Early,	Kelley,	Myers,	Tilghman,
Ewing,	Kury,	Nolan,	Wood,
Fleming,	Lentz,	O'Pake,	Zemprelli,

NAYS—0

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

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

HB 664 (Pr. No. 746)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Ammerman,	Frame,	Lewis,	Orlando,
Andrews,	Hager,	Lynch,	Reibman,
Arlene,	Hankins,	Manbeck,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Cianfrani,	Hill,	Mellow,	Smith,
Coppersmith,	Hobbs,	Messinger,	Snyder,
Dougherty,	Holl,	Moore,	Stapleton,
Duffield,	Howard,	Murphy,	Stauffer,
Dwyer,	Jubelirer,	Murray,	Sweeney,
Early,	Kelley,	Myers,	Tilghman,
Ewing,	Kury,	Nolan,	Wood,
Fleming,	Lentz,	O'Pake,	Zemprelli,

NAYS—0

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

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

HB 667 (Pr. No. 749)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Ammerman,	Frame,	Lewis,	Orlando,
Andrews,	Hager,	Lynch,	Reibman,
Arlene,	Hankins,	Manbeck,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Cianfrani,	Hill,	Mellow,	Smith,
Coppersmith,	Hobbs,	Messinger,	Snyder,
Dougherty,	Holl,	Moore,	Stapleton,
Duffield,	Howard,	Murphy,	Stauffer,
Dwyer,	Jubelirer,	Murray,	Sweeney,
Early,	Kelley,	Myers,	Tilghman,
Ewing,	Kury,	Nolan,	Wood,
Fleming,	Lentz,	O'Pake,	Zemprelli,

NAYS—0

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

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

HB 668 (Pr. No. 750)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Ammerman,	Frame,	Lewis,	Orlando,
Andrews,	Hager,	Lynch,	Reibman,
Arlene,	Hankins,	Manbeck,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Cianfrani,	Hill,	Mellow,	Smith,
Coppersmith,	Hobbs,	Messinger,	Snyder,
Dougherty,	Holl,	Moore,	Stapleton,
Duffield,	Howard,	Murphy,	Stauffer,
Dwyer,	Jubelirer,	Murray,	Sweeney,
Early,	Kelley,	Myers,	Tilghman,
Ewing,	Kury,	Nolan,	Wood,
Fleming,	Lentz,	O'Pake,	Zemprelli,

NAYS—0

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

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

SB 706 (Pr. No. 795)—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—48

Ammerman,	Frame,	Lewis,	Orlando,
Andrews,	Hager,	Lynch,	Reibman,
Arlene,	Hankins,	Manbeck,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Cianfrani,	Hill,	Mellow,	Smith,
Coppersmith,	Hobbs,	Messinger,	Snyder,
Dougherty,	Holl,	Moore,	Stapleton,
Duffield,	Howard,	Murphy,	Stauffer,
Dwyer,	Jubelirer,	Murray,	Sweeney,
Early,	Kelley,	Myers,	Tilghman,
Ewing,	Kury,	Nolan,	Wood,
Fleming,	Lentz,	O'Pake,	Zemprelli,

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION
BILL OVER IN ORDER

SB 533—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

PREFERRED APPROPRIATION
BILL ON SECOND CONSIDERATION

SB 657 (Pr. No. 701)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION

SB 120 (Pr. No. 790)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL REREFERRED

SB 153 (Pr. No. 153)—Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 153, SB 249, 260, HB 287, SB 291, HB 307, SB 399, 419, 473, 488 and 492—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION AMENDED

SB 509 (Pr. No. 793)—The bill was considered.

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

Senator ANDREWS offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1 (Sec. 2), page 2, line 27, by inserting after "exemptions":

In no event shall social security income or any pension benefits be included in determining total income from all sources.

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

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 519 and 546—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 571 (Pr. No. 794)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 572, 573, 601, 602, 603, 604 and 610—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL RECOMMITTED

SB 625 (Pr. No. 876)—Upon motion of Senator NOLAN, and agreed to, the bill was recommitted to the Committee on Local Government.

BILLS ON SECOND CONSIDERATION

SB 626 (Pr. No. 798), SB 658 (Pr. No. 702), SB 659 (Pr. No. 703) and SB 660 (Pr. No. 704)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 662, 665, 667, 668, 669, 670, 671, 672, 679 and 692—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

SB 704 (Pr. No. 749)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 707, 709, 710, 711, 712, 720 and 750—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

SENATE RESOLUTION, SERIAL No. 43, CALLED UP

Senator NOLAN, without objection, called up from page 14 of the Calendar, Senate Resolution, Serial No. 43, entitled:

Expressing support of Federal Legislation on coal mining and overriding of the Presidential veto.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL No. 43,
RECOMMITTED

Senator NOLAN. Mr. President, I move that Senate Resolution, Serial No. 43, be recommitted to the Committee on Business and Commerce.

The motion was agreed to.

UNFINISHED BUSINESS

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, June 16, 1975.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 23, 1975, and when the House of Representatives adjourns this week it reconvene on Monday, June 23, 1975.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. M. Jay Mitchell, Mr. and Mrs. Joseph N. Willis, and to Mr. and Mrs. Herbert Slagle by Senator Murphy.

Congratulations of the Senate were extended to the Mountain United Presbyterian Church of Sunbury by Senator Kury.

Congratulations of the Senate were extended to Mr. and Mrs. James Loftus, Mr. and Mrs. Stanley Nowak, Mr. and Mrs. Wilba L. Kline, Mr. and Mrs. Michael Bertone, Mr. and Mrs. Richard Rhineberger, and to Mr. and Mrs. Joseph Prylinski by Senator Orlando.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond J. Meyer by Senator Myers.

Congratulations of the Senate were extended to Joseph M. Loughran by Senator Kelley.

Congratulations of the Senate were extended to Miss Muriel J. Morgan and to Mrs. William E. Fleth by Senator Mellow.

BILLS ON FIRST CONSIDERATION

Senator NOLAN. 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 774, 823, HB 1333, 1334 and 1335.

And said bills having been considered for the first time,

Ordered, To be laid aside for second consideration.

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, earlier today on the Third Consideration Calendar the question was raised as to whether the Senate could do by indirection what it is prohibited to do directly, namely, vote moneys to a nonpreferred source through a department which makes it a preferred appropriation.

This custom began under the Shafer Administration, justified by an Attorney General's decision, and has never been court-tested. An Attorney General's decision binds the Executive Department. It has the force and effect of something a little bit better than a decision of a District Justice of the Peace but much lower than the decision of a court of record such as the county courts or the Commonwealth Court. One of these days someone is going to be dragged into Commonwealth Court and one of these days someone is going to have to justify the action of doing indirectly what the Constitution prohibits directly.

This bill that went through here today did have a two-thirds vote on it. However, I want to put in the record so that later on I can say, "I told you so," when it happens, that this custom of avoiding and evading the provisions of the Constitution concerning nonpreferred appropriations should be carefully analyzed with the realization that one of these days someone is going to end up in court, and then you are in a situation where

the court could say that the politically-appointed Attorney General of Governor Shafer may have given an Attorney General's decision but we do not think it is good law.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

Eastern
Daylight
Saving
Time

	DATE AND COMMITTEE	Room
	TUESDAY, JUNE 17, 1975	
9:00 A.M.	PUBLIC HEALTH AND WELFARE to consider Senate Bills No. 10, 593 and House Bill No. 45	Majority Caucus room
9:30 A.M.	LOCAL GOVERNMENT to consider Senate Bills No. 185, 347, 397, 612, 653, 666, 673, 675, 737, 818 and House Bills No. 141, 142, 154, 387, 477, 665, 722, 907, 908 and 973	Majority Caucus room
10:00 A.M.	ENVIRONMENTAL RESOURCES to consider House Bills No. 409, 671 and 693	350
10:30 A.M.	JUDICIARY to consider Senate Bills No. 175, 179, 462, 506, 556, 693 and House Bills No. 61 and 331	172
11:00 A.M.	TRANSPORTATION to consider Senate Bills No. 309, 312, 508, 528, 640, 650 and House Bills No. 190, 364, 496, 503 and 560	Minority Caucus room
11:30 A.M.	AGRICULTURE to consider Senate Bill No. 719 and House Bill No. 212	182
12:00 Noon	RULES AND EXECUTIVE NOMINATIONS	Committee meeting room

12:30 P.M. STATE GOVERNMENT 183
to consider Senate Bills No.
402, 596, 738 and House Bill
No. 26

THURSDAY, JUNE 19, 1975

9:30 A.M. CONSUMER AFFAIRS Majority
to investigate the PUC Caucus
room

FRIDAY, JUNE 20, 1975

11:00 A.M. APPROPRIATIONS 350
Continuation of recessed meeting

MONDAY, JUNE 23, 1975

11:00 A.M. JUDICIARY Majority
to consider Senate Bill No. Caucus
152 room

TUESDAY, JUNE 24, 1975

10:00 A.M. EDUCATION 188
to consider Senate Bills No.
434 and 592

FRIDAY, JUNE 27, 1975

8:30 A.M. URBAN AFFAIRS AND Treadway Inn
HOUSING 1073 Highway 315
Public Hearing on Senate Wilkes-Barre,
Bills No. 29 and 457 Penna.

TUESDAY, JULY 1, 1975

10:30 A.M. JUDICIARY 172
to consider Senate Bills No.
170, 410, 498, 537, 584, 585,
586 and House Bill No. 65

THURSDAY, JULY 10, 1975

10:00 A.M. CONSUMER AFFAIRS Majority
to investigate the PUC Caucus
room

ADJOURNMENT

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Tuesday, June 17, 1975, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:10 p.m., Eastern Daylight Saving Time.