

Legislative Journal

MONDAY, JULY 21, 1975

Session of 1975

159th of the General Assembly

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SENATE

MONDAY, July 21, 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 JOSEPH CHRISTIE, S. J., Director of Trinity Spiritual Center, Shiremanstown, offered the following prayer:

I noticed yesterday, with some distress but not with total surprise, an article in the New York Times suggesting that our progress in science and medical knowledge may make it necessary for us to define and protect our fragile identity as thinking and spiritual creatures, laying upon Legislators a dreadful responsibility not only for this generation but for generations yet to come.

Therefore, I suggest to you that we ask our Heavenly Father most sincerely for wisdom to know that our knowledge is limited; for the humility to ask for help, where we do not have power; for courage, whatever the cost may be; to follow the inspiration of God should we be fortunate enough to receive it.

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 NOLAN, further reading was dispensed with, and the Journal was approved.

SENATOR WOOD TO VOTE FOR SENATOR FRAME

Senator WOOD. Mr. President, I would request an authorized leave of absence for the gentleman from Venango, Senator Frame, for Monday, Tuesday and Wednesday of this week. Under the Rules of the Senate, I will be voting him.

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

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the

Governor, advising that the following Senate Bills had been approved and signed by the Governor:

SB 104, 213, 571, 601, 602 and 604.

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF CHEYNEY STATE COLLEGE

July 17, 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 Honorable Paul McKinney, 5741 Chestnut Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Board of Trustees of Cheyney State College, to serve until the third Tuesday of January 1981, and until his successor is appointed and qualified, vice Mrs. Mabel G. Valentine, West Chester, resigned.

MILTON J. SHAPP

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 115**, which was referred to the Committee on Appropriations.

He also presented for concurrence **HB 167, 170, 171, 172 and 485**, which were referred to the Committee on Consumer Affairs.

He also presented for concurrence **HB 355, 1202 and 1481**, which were referred to the Committee on Finance.

He also presented for concurrence **HB 893**, which was referred to the Committee on Labor and Industry.

He also presented for concurrence **HB 619, 1037, 1215 and 1311**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 546, 694, 695 and 1156**, which were referred to the Committee on Public Health and Welfare.

He also presented for concurrence **HB 340**, which was referred to the Committee on State Government.

He also presented for concurrence **HB 116 and 117**, which were referred to the Committee on Transportation.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has non-concurred in amendments made by the Senate to **HB 408**.

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

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 451, 503 and 910.**

HOUSE CONCURS IN SENATE BILLS

He also returned to the Senate **SB 692, 719 and 832,** with the information that the House has passed the same without amendments.

BILLS SIGNED

The President pro tempore (Martin L. Murray) in the presence of the Senate signed the following bills:

SB 692, 719 and 832.

REPORTS FROM COMMITTEE

Senator CIANFRANI, from the Committee on Appropriations, rereported, as committed, **SB 592, 714, 800, 851, 852 and 883;** reported, as committed, **SB 954.**

PERMISSION TO ADDRESS SENATE

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

Senator ROSS. Mr. President, on behalf of several colleagues and myself, I will present the following bill and ask for support from my colleagues in the Senate. Also with this bill is my statement supporting this which I request be entered in the record.

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

The shortage of good housing, particularly for the poor and the middle class, has been a chronic social problem in the United States. Because Americans think that safe, sound shelter priced within their means is a basic birthright, government has been involved trying to correct this shortage. Federal government agencies have built and managed thousands of public housing projects.

Nevertheless, a housing shortage has continued due to a swelling population, shortage of credit and soaring construction costs. There have been programs on the Federal level, such as income tax laws, which include incentives to home buyers and guaranteeing construction loans to home builders. But these programs do not go far enough, and they have not helped Pennsylvania's home building industry which is presently in a severe depression.

The referendum we present today seeks to put the State of Pennsylvania squarely in the fight to save the home building industry in this Commonwealth by boosting middle income housing. It gives the State a means to allocate credit and if that is not sufficient, to enter the housing market directly, to build and sell middle income housing.

This is strong action, but it is not taken lightly. It is estimated that Pennsylvania will need one million new housing units by 1980. Of these, the upper class housing

will be built because the market and the money is there, and the low income housing will be built because the Federal government is there. What we do with this legislation will, in a large measure, determine whether the middle income housing is built.

The home building industry is a vital asset to Pennsylvania. Our homes contain all the products of our industry—the sheet metal and plaster board, the shingles and aluminum siding, the piping and cement. Pennsylvania needs a strong home building industry. This referendum is an attempt to see that we have it.

BILLS INTRODUCED AND REFERRED

Senator TILGHMAN presented to the Chair **SB 962,** entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for certain exclusions from taxation.

Which was committed to the Committee on Finance.

Senators SNYDER, TILGHMAN, DOUGHERTY and HESS presented to the Chair **SB 963,** entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it a summary offense to intimidate welfare workers.

Which was committed to the Committee on Judiciary.

Senators MURPHY, ROSS, ORLANDO, EWING and STAUFFER presented to the Chair **SB 964,** entitled:

An Act amending the act of May 29, 1956 (P. L. 1845, No. 611), entitled "Regional Planning Law," further providing for the composition of regional planning commissions.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 965,** entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for the compensation of the township treasurer.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 966,** entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for delegates to the annual meeting of the State association.

Which was committed to the Committee on Local Government.

They also presented to the Chair **SB 967,** entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for membership on civil service boards.

Which was committed to the Committee on Local Government.

Senators LYNCH, MURRAY, SCANLON and ORLANDO presented to the Chair **SB 968,** entitled:

An Act amending the act of April 29, 1959 (P. L. 58, No. 32), entitled "The Vehicle Code," further regulating authority to take possession of abandoned motor vehicles.

Which was committed to the Committee on Transportation.

Senators ROSS, DOUGHERTY, LYNCH, NOLAN, O'PAKE and STAUFFER presented to the Chair **SB 969**, entitled:

An Act authorizing the indebtedness, with approval of the electors, of five hundred million dollars for the purchase, acquisition, modernization or subsidization of the construction of homes to assist persons of moderate or middle income, or the purchase of or subsidization of mortgages for the acquisition of housing by persons of moderate and middle income and providing the allotment of proceeds from borrowing hereunder.

Which was committed to the Committee on Urban Affairs and Housing.

Senator KELLEY presented to the Chair **SB 970**, entitled:

An Act abolishing the office of coroner and providing for medical examiners.

Which was committed to the Committee on Local Government.

SENATE RESOLUTIONS

EXTENDING INVITATION TO POLYNESIAN PEOPLE AND THEIR FRIENDS TO JOIN WITH CITIZENS OF PENNSYLVANIA IN CELEBRATING THE BICENTENNIAL

Senators HANKINS, MURRAY, NOLAN, ARLENE, McKINNEY and ROSS offered the following resolution (**Serial No. 51**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, July 21, 1975.

WHEREAS, The United States of America is in the midst of commemorating the two hundredth anniversary of the promulgation and signing of the Declaration of Independence which separated this Nation from Great Britain; and

WHEREAS, The Commonwealth of Pennsylvania historically occupies a position of great esteem and significance in the implementation of those ideals expressed in the Declaration of Independence; and

WHEREAS, It is the desire of the Senate of Pennsylvania that all peoples participate fully in commemorating this event; and

WHEREAS, The Polynesian people have contributed significantly to the protection and advancement of the United States of America and those ideals for which it stands; therefore be it

RESOLVED, That the Senate of Pennsylvania cordially extends an invitation to the Polynesian people to join with the citizens of Pennsylvania in celebrating this event; and be it further

RESOLVED, That the Senate of Pennsylvania enthusiastically endorses the plans of the Polynesian people to construct and operate an exhibit entitled "Samoan Heritage" which shall express the culture and activities of the Polynesian people to all Americans.

PROPOSING A COMPLETE STUDY OF STATE GOVERNMENT IN PENNSYLVANIA BE MADE A PART OF COMMONWEALTH'S BICENTENNIAL OBSERVATION: MORATORIUM ON NEW LEGISLATION

Senator KELLEY offered the following resolution (**Serial No. 52**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, July 21, 1975.

WHEREAS, The United States and Pennsylvania are

about to celebrate the bicentennial anniversary of the founding of this Nation; and

WHEREAS, Many changes have taken place in the structure and functions of government over the past two hundred years as our Nation and State have striven to meet the challenges of an ever growing and evolving society; and

WHEREAS, As our two-hundredth birthday approaches, every citizen and organization in Pennsylvania should pause to reflect on the directions and history that our government and people have taken in the past and to consider our future courses of action for the years ahead; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania in order to meet its obligations to itself and the citizens of Pennsylvania, proposes that a complete study of State Government in Pennsylvania be made as a part of the Commonwealth's bicentennial observance. This study should be made with a view toward making State Government more comprehensible to the people by clearly delineating the powers, duties and responsibilities of each segment of government and it should also include recommendations for any changes that are deemed necessary and appropriate; and be it further

RESOLVED, That the Senate should declare a three to six month moratorium on the consideration of any new legislation, except any necessary in case of an emergency. During this period, each standing committee should undertake a study of the body of law under its particular jurisdiction, and after completing its study, issue a report on the status of such law and recommend any comprehensive or particular changes that may be deemed necessary and appropriate; and be it further

RESOLVED, That the substance and findings of these studies should be compiled and made available to the people of Pennsylvania for their consideration as Pennsylvania and the Nation embark on the third century of democratic government.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, July 21, 1975.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 22, 1975 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, September 22, 1975 unless sooner recalled by the Speaker of the House of Representatives.

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

RECESS

Senator NOLAN. Mr. President, I request a recess of the Senate until 2:00 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:00 p.m., Eastern Daylight Saving Time.

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.

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:

**MEMBERS OF THE BOARD OF TRUSTEES OF
WERNERSVILLE STATE HOSPITAL**

July 21, 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 the following for appointment as members of the Board of Trustees of Wernersville State Hospital:

Mrs. Patee Miller, 612 Sixth Street, Reading 19601, Berks County (Reappointment), Eleventh Senatorial District, to serve until the third Tuesday of January 1981, and until her successor is appointed and qualified.

Mrs. Mary Wooley, 320 North Fifth Street, Lebanon 17042, Lebanon County (Reappointment), Forty-eighth Senatorial District, to serve until the third Tuesday of January 1981, and until her successor is appointed and qualified.

MILTON J. SHAPP

**MEMBERS OF THE BOARD OF TRUSTEES OF
HAMBURG STATE SCHOOL AND HOSPITAL**

July 21, 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 the following for appointment as members of the Board of Trustees of Hamburg State School and Hospital:

Mrs. Ruth Z. Dietz, Box 62, Ono 17077, Lebanon County (Reappointment), Fifteenth Senatorial District, to serve until the third Tuesday of January 1981, and until her successor is appointed and qualified.

John W. Ebling, 293 West State Street, Hamburg 19526, Berks County (Reappointment), Forty-eighth Senatorial District, to serve until the third Tuesday of January 1981, and until his successor is appointed and qualified.

H. Homer Graffius, R. D. 3, Box 379, Reading 19606, Berks County (Reappointment), Eleventh Senatorial District, to serve until the third Tuesday of January 1981, and until his successor is appointed and qualified.

MILTON J. SHAPP

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator AMMERMAN,

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.

**RECONSIDERATION OF EXECUTIVE
NOMINATION OF GRACE S. HATCH**

Senator AMMERMAN. Mr. President, I move that the Senate do now reconsider the vote by which the nomination of Grace S. Hatch, as a member of the State Civil Service Commission, was defeated on July 15, 1975.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I rise to speak against the motion to reconsider the vote and I do so, not just in the case of the nominee in question, but as a matter of broad Senate policy.

I think, Mr. President, that as we vote on this motion, we should all, very carefully and seriously, consider the ramifications that are suggested by this motion. We are all aware that in the past we had a serious problem in Pennsylvania regarding gubernatorial appointments and the nomination process and the abuse of the interim appointment situation.

We proposed a corrective measure to straighten out this situation so that never again would we have the taint that has existed in past years on the nomination process. We proposed a constitutional amendment to the people of the Commonwealth which was duly approved.

Mr. President, the purpose of that amendment was to eliminate any kind of wheeling, dealing, any kind of problem that had existed in the past and make this an open process in the future. The process has begun to work, the fact that we are bringing before us, in an orderly process, all of the gubernatorial appointments and we are considering them. The fact that some have been rejected is once again an example of the system working. Mr. President, if we are going to have this process work and as soon as we have a nominee rejected, have an immediate vote to reconsider that vote by which the nominee was rejected, we are immediately perverting this new system, and we are doing a disservice and an injustice to the people of Pennsylvania and to the Senate itself.

Mr. President, when we consider a nominee, it is our responsibility to duly consider the qualifications of that nominee and to cast a judgment on whether that person should or should not be approved. When one is rejected, that should close the book on that particular nominee at that particular time and it behooves the Governor of the Commonwealth to then search for a new nominee to send to the Senate for the particular position in question.

We see this system work at the Federal level where, when Federal nominees are rejected by the Senate of the United States, there is immediately a search by the President of the United States for a new person to be presented for that particular position. We saw it work in the case of Supreme Court Justice nominees Carswell and Hainesworth. Mr. President, we should do no less than the Senate of the United States in its deliberation on these matters here in the Senate of Pennsylvania.

In my judgment, we should have new nominees presented to us for the positions which were rejected last week. We should not be reconsidering them, and to do so will indicate to the people of the Commonwealth that the boys in Harrisburg are at it again; there is some dealing going on, there are some arrangements being made, and we certainly should not subject ourselves to that kind of criticism.

On that basis, Mr. President, I think we should vote "no" on this motion to reconsider and "no" on the motion to reconsider any rejected nominee.

Senator MELLOW. Mr. President, I would like to speak to the remarks made by my colleague, the gentleman from Chester, Senator Stauffer, the two remarks

in particular as to the immediate consideration and perverting the system. I believe if we would look under Section XXX, Subsection 5, of the Senate Rules, Executive Nominations, it reads, "When a nomination is confirmed or rejected by the Senate, any two Senators may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual session of the Senate . . ."

The nominee to whom we are now referring was defeated on Tuesday. If we do not take action today to reconsider that vote, and by reconsidering that vote we are executing the Rules of this Senate which were changed in 1973, then there is no way possible that that name can be reconsidered.

I must agree with my distinguished colleague that I believe, also, that once a name has been considered through Executive Nomination in the Senate and has been defeated, I do not think that we should reconsider that name once again. However, until Section XXX, Subsection 5 of the Rules of the Senate are changed, we certainly have the procedure in which we can reconsider a nomination that has been defeated and, once again, either vote for or vote against that individual.

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, does it take unanimous consent to reconsider the vote?

The PRESIDENT. It takes a majority vote, Senator Tilghman.

Senator TILGHMAN. Mr. President, in the process of going to Executive Nominations—and I do not have the script in front of me—there is some part in that preamble or statement which asks for unanimous consent. Is it unanimous consent to go into Executive Nominations?

The PRESIDENT. No, Senator. The unanimous consent is required for the Senate to act upon nominees on the day they are reported from Committee.

Senator AMMERMAN. Mr. President, by way of explanation, let me remind the Members that when we voted on Grace Hatch as a member of the State Civil Service Commission last week, we did not do so on the basis of a petition filed under the provisions of the new constitutional amendment, but did so in the orderly course of events in which we have been handling these for the past two and one-half years.

When I brought that nomination up for a vote, it was with the feeling that there were sufficient votes on both sides of the aisle to confirm Grace Hatch. I personally believe that she was caught up in the activities and the feelings involved in the nominees who were on the Calendar last week by constitutional petition.

I propose, if the Senate adopts the motion which I have just made, to ask the Chair to let this nomination then lie on the table until later in the week when I believe the gentleman from Venango, Senator Frame, will be able to more fully enlighten the Members of the Republican caucus on the subject.

As a matter of fact, the dialogue here was over the expiration of the five days. Grace Hatch was not brought up under the constitutional provision that she must be

acted upon within five days. That, Mr. President, by way of explanation is what I am proposing to do.

And the question recurring,
Will the Senate agree to the motion?
The motion was agreed to.

**EXECUTIVE NOMINATION OF GRACE S. HATCH
LAID ON THE TABLE**

Senator AMMERMAN. Mr. President, I ask that the nomination of Grace S. Hatch, as a member of the State Civil Service Commission, be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

**RECONSIDERATION OF EXECUTIVE
NOMINATION OF HENRY H. KAPLAN**

Senator AMMERMAN. Mr. President, I move that the Senate do now reconsider the vote by which the nomination of Henry H. Kaplan, as a member of the Pennsylvania Liquor Control Board, was defeated on July 15, 1975.

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

Senator STAUFFER. Mr. President, I have expressed my views on the reconsideration of rejected nominees. I was remiss in failing to ask the Chair to have a roll call vote on the previous one.

Mr. President, at this time I ask that we have a roll call vote on the motion to reconsider.

And the question recurring,
Will the Senate agree to the motion?
(During the calling of the roll, the following occurred:)

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—32

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

NAYS—17

Andrews,	Hager,	Howard,	Snyder,
Bell,	Hess,	Jubelrre,	Stauffer,
Dwyer,	Hobbs,	Lentz,	Tilghman,
Fleming,	Holl,	Manbeck,	Wood,
Frame,			

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

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

Senator STAUFFER. Mr. President, last week, when this particular person was considered by the Senate for confirmation, I voted in the affirmative because, in my

analysis of his qualifications and so forth, I found nothing that would preclude him from serving in that position.

However, Mr. President, on the basis of the argument I presented regarding the immediate reconsideration and the perversion of the new system which has been developed, I shall cast my vote in the negative, and that negative vote will be a protest against the change that is taking place here today which I feel will not work in the best interest of the people of Pennsylvania.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—36

Ammerman,	Hankins,	Manbeck,	Noszka,
Arlene,	Hill,	McKinney,	O'Pake,
Cianfrani,	Hobbs,	Mellow,	Orlando,
Coppersmith,	Holl,	Messinger,	Reibman,
Dougherty,	Jubelirer,	Moore,	Ross,
Duffield,	Kelley,	Murphy,	Scanlon,
Dwyer,	Kury,	Murray,	Smith,
Early,	Lewis,	Myers,	Stapleton,
Ewing,	Lynch,	Nolan,	Zemprelli,

NAYS—13

Andrews,	Hager,	Lentz,	Sweeney,
Bell,	Hess,	Snyder,	Tilghman,
Fleming,	Howard,	Stauffer,	Wood,
Frame,			

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.

CALENDAR

EXECUTIVE NOMINATIONS

**EXECUTIVE NOMINATION OF
CARL K. DELLMUTH
CALLED UP**

Senator AMMERMAN without objection, called up from page 14 of the Calendar under Executive Nominations, the name of Carl K. Dellmuth, as Secretary of Banking, which was read by the Clerk as follows:

SECRETARY OF BANKING

January 21, 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 Honorable Carl K. Dellmuth, 323 Swarthmore Avenue, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for reappointment as Secretary of Banking, from December 5, 1974, to serve until the third Tuesday of January, 1979, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP

CONSIDERATION OF EXECUTIVE NOMINATION

Senator AMMERMAN asked and obtained unanimous consent for immediate consideration of the nomination made by His Excellency, the Governor.

On the question,

Will the Senate advise and consent to the nomination?

Senator HAGER. Mr. President, I have been recorded as voting in the negative on a number of executive nominations. On this particular nomination I will be very happy to cast my vote in the affirmative.

Mr. President, one of my first appointments in the Senate of Pennsylvania, in 1972, was to be appointed to the then Committee on Banking and now the Committee on Business and Commerce. Although, on the main issue, which has been before that Committee and this Senate so far as banking is concerned in the past three years, that of Statewide banking, the Secretary and I have opposite views; I must say that the Department has been extremely well run and the Secretary has been a very accommodating, very intelligent and very well spoken man, an advocate both for banking in the State and for the administration he represents. I ask the affirmative vote of all my colleagues.

Senator SWEENEY. Mr. President, Secretary Dellmuth appeared before the Committee on Business and Commerce today. The Committee heard his qualifications and made an evaluation of his qualifications and the operations of the Department. I will vote for his confirmation and I urge my colleagues to do the same.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—49

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

NAYS—0

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.

**EXECUTIVE NOMINATION OF NINA GOWELL
CALLED UP**

Senator AMMERMAN, without objection, called up from page 14 of the Calendar under Executive Nominations, the name of Nina Gowell, as a member of the Milk Marketing Board, which was read by the Clerk as follows:

March 10, 1975

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

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER OF THE MILK MARKETING BOARD

March 10, 1975

Mrs. Nina Gowell, 5618 Woodmont Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, from December 13, 1974, until May 1, 1977, and until her successor shall have been appointed and qualified.

MILTON J. SHAPP

CONSIDERATION OF EXECUTIVE NOMINATION

Senator AMMERMAN asked and obtained unanimous consent for immediate consideration of the nomination made by His Excellency, the Governor.

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

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

YEAS—24

Arlene, Cianfrani, Coppersmith, Duffield, Early, Ewing,	Hankins, Hill, Howard, Kelley, Lewis, Lynch,	McKinney, Mellow, Murphy, Murray, Nolan, Noszka,	Orlando, Reibman, Ross, Scanlon, Smith, Zemprelli,
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NAYS—25

Ammerman, Andrews, Bell, Dougherty, Dwyer, Fleming, Frame,	Hager, Hess, Hobbs, Holl, Jubelirer, Kury,	Lentz, Manbeck, Messinger, Moore, Myers, O'Pake,	Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood,
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Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE NOMINATION OF PETER ELISH
CALLED UP

Senator AMMERMAN, without objection, called up from page 14 of the Calendar under Executive Nominations, the name of Peter Elish, as a member of the Milk Marketing Board, which was read by the Clerk as follows:

March 10, 1975

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

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER OF THE MILK MARKETING BOARD

March 10, 1975

Peter Elish, 503 Bluff Avenue, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, from December 13, 1974, until May 1, 1979, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP

CONSIDERATION OF EXECUTIVE NOMINATION

Senator AMMERMAN asked and obtained unanimous consent for immediate consideration of the nomination made by His Excellency, the Governor.

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—30

Andrews, Arlene, Bell, Cianfrani, Coppersmith, Dougherty, Duffield, Early,	Hankins, Hill, Howard, Kelley, Kury, Lewis, Lynch, McKinney,	Mellow, Murphy, Murray, Myers, Nolan, Noszka, O'Pake,	Orlando, Reibman, Ross, Scanlon, Smith, Stapleton, Zemprelli,
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NAYS—19

Ammerman, Dwyer, Ewing, Fleming, Frame,	Hager, Hess, Hobbs, Holl, Jubelirer,	Lentz, Manbeck, Messinger, Moore, Snyder,	Stauffer, Sweeney, Tilghman, Wood,
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Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE NOMINATION OF SOL E. ZUBROW
CALLED UP

Senator AMMERMAN, without objection, called up from page 14 of the Calendar under Executive Nominations, the name of Sol E. Zubrow, as a member of the State Employees' Retirement Board, which was read by the Clerk as follows:

March 10, 1975

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

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD

March 10, 1975

Sol E. Zubrow, 2028 Locust Street, Philadelphia 19103, Philadelphia County, Second Senatorial District, from December 20, 1974, for a term of four years, pursuant to Act 31, approved March 1, 1974.

MILTON J. SHAPP

CONSIDERATION OF EXECUTIVE NOMINATION

Senator AMMERMAN asked and obtained unanimous consent for immediate consideration of the nomination made by His Excellency, the Governor.

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

Senator FLEMING. Mr. President, I rise to oppose the nomination of Sol E. Zubrow as a member of the State Employees' Retirement Board. I do this for no personal reason but for the reason that there are several problems, philosophically, which I would briefly like to point out.

First of all, Mr. President, this nominee is the first Chairman of the State Employees' Retirement Board who is a nonmember of the system. The new legislation, of course, calls for one nonmember to be a part of this Board, but never has this Board had a Chairman who was not a member of the State employees' retirement system. This, in itself, may well not be significant but there is also the factor that this particular Chairman, in a different manner from those chairmen preceding him, has seen fit to more or less take over operations of this Board, of the day-to-day operations of the Board, and that, in itself, may well not be too significant. It

is, however, true that the gentleman in question has done some work on the Hill for some few years, operating under consultant contracts and in fact, I believe still does.

Mr. President, the one significant thing I would like to point out and the most significant reason that I believe the gentleman should not be approved today is the fact of his philosophy on investments.

I quote from an article of June 18th of John Langdon's, "People Funds Okayed by State Pension," and this quote is attributed to Mr. Zubrow: "I think our role as trustee for these pension funds cannot be measured in terms of dollars," and what he goes on to say is that, "The funds should be invested in people oriented investments such as . . ." One is mentioned, nursing home bonds, State nursing home bonds, which, by the way, carry a low yield and their salability, of course, without loss, is almost impossible, so there is no flexibility there.

There is also the statement made in the article that—and this, by the way, was taken issue with by several other members of the Retirement Board—the investments of the Board should be more geared in the direction of social enterprises, regardless of yield and regardless of flexibility or salability.

Mr. President, all of us know that we are members of this fund, and there are thousands upon thousands of State employees who are members of this fund and it is my firm belief that this philosophy is not only dangerous but it is also wholly out of keeping with any fiduciary responsibility. I think that all we have to do is look at the new Retirement Code which you all remember as Senate Bill No. 472, in the paragraph numbered 5931, subsection (e):

"The members of the Board, employees of the Board and agents thereof shall stand in a fiduciary relationship to the members of the system regarding the investments and disbursements of any of the moneys of the fund." In other words, it is incumbent upon them to get the best yield possible and to deal in a fiduciary capacity.

Also, Mr. President, I would read for you from Purdon's Title 18 on Crimes and Offenses, and this paragraph 4113, the misapplication of entrusted property, property of government and financial institutions, says this:

"A person commits an offense if he applies or disposes of property that has been entrusted to him as a fiduciary or property of the government or of a financial institution in a manner which he knows is unlawful and involves substantial risk or loss or detriment to the owner of the property or to a person for whose benefit the property is entrusted."

Mr. President, I would particularly state here and now that the moneys entrusted to the State Employees' Retirement Board belong to every member of that fund. There is no question but the members of that Board are in a fiduciary, responsible position and should conduct their affairs in like manner. I am a little afraid that there is too much interest exhibited by the gentleman in question, whose name has been placed in nomination by the Governor, Mr. Sol E. Zubrow, in solving all the social problems of the world and not particularly looking out for the best interests of what is our retirement fund.

Senator BELL. Mr. President, during our Republican caucus we were handed a photocopy of a news article which apparently appeared in the Pittsburgh Press, June 18, 1975, over the byline of John S. Langdon, UPI.

In this article was reported what the gentleman from Montgomery, Senator Fleming, just referred to and I think I should read, because this is supposed to be Mr. Zubrow's philosophy of running the Pension Fund. "I think our role as trustee for these pension funds cannot be measured only in terms of dollars. A public fund, particularly, has to give consideration to how its moneys are being used and to what purpose."

I then left the caucus and I pulled out the section of Purdon's on State Government and hurriedly scanned the Act of 1974. Mr. President, I was absolutely shocked at what is not in that Act of 1974. There is no statutory responsibility on the State Pension Fund Commissioners to invest the State moneys in their hands, namely about one and one-half billion dollars, in a manner that will produce the highest return without an undue risk to capital.

Mr. President, I think we should amend this and put a mandate on anybody who has the job of handling State retirement funds, that these moneys be invested to provide the greatest return without undue risk of capital loss.

However, as I read this Pittsburgh Press article, here is the Chairman of this massive Pension Fund, who sees his job as a fiduciary to invest the funds in what are known as low income, social program bond issues. He was not put in there to be a social worker. He was put in there to be a watchdog of the Retirement Fund of perhaps 100,000 people. I think that his philosophy, as expressed in this Pittsburgh Press news article issued by UPI, shows that he does not have the proper interpretation of his duties as a trustee. He sees his duties as a trustee as being a super-Ford Foundation-type, whereas, I think his duty as a trustee is to get the highest fair return, without undue risk to capital, of the moneys of all the State employees who have that money in that Pension Fund.

Mr. President, I am going to vote "no" on this nomination.

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

The PRESIDENT. Will the gentleman from Delaware, Senator Bell, permit himself to be interrogated?

Senator BELL. With pleasure, Mr. President. I will make short answers, and I will say something in them.

Senator ZEMPRELLI. Mr. President, I am not quite sure what the gentleman meant by the last remark. Nonetheless, we will accept it in the frame in which it was offered.

Senator BELL. Mr. President, in answer to the gentleman's question as to what I meant, I am referring to his answers last week regarding the Secretary of Agriculture.

Senator ZEMPRELLI. Mr. President, can the gentleman tell me whether or not he has ever talked to Mr. Sol Zubrow?

Senator BELL. Mr. President, the answer is no.

Senator ZEMPRELLI. Mr. President, were the gentleman's remarks made on the floor of the Senate today predicated upon the article which appeared in the Pittsburgh Press?

Senator BELL. Mr. President, the answer is yes.

Senator ZEMPRELLI. Mr. President, did the gentleman ever ask Mr. Zubrow whether he made those remarks or whether those remarks were made in context or whether they were abstracted from some other treatise or some other conversation?

Senator BELL. Mr. President, the answer is no. I had confidence in the United Press International reporter.

Senator ZEMPRELLI. Mr. President, did the gentleman at any time elicit from Mr. Zubrow what his basic philosophy was regarding making investments of a general nature as to these pension funds?

Senator BELL. Mr. President, the answer is no.

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Fleming.

The PRESIDENT. Will the gentleman from Montgomery, Senator Fleming, permit himself to be interrogated?

Senator FLEMING. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, did the gentleman ever have occasion to discuss with Mr. Sol Zubrow his philosophy on investments within the basis of his training, experience and professionalism?

Senator FLEMING. Mr. President, the answer is yes.

Senator ZEMPRELLI. Mr. President, on what occasion or in what form was that?

Senator FLEMING. Mr. President, the occasion was a hearing of the Committee on Appropriations held in Room 350.

Senator ZEMPRELLI. Mr. President, did the gentleman, Mr. Zubrow, indicate anything else with respect to his belief as to competent investment besides that which was expressed by the gentleman from Montgomery, Senator Fleming, in his address to the floor?

Senator FLEMING. Mr. President, there was a wide-ranging discussion and question and answer session which, as I recall, took some one and one-half hours to two hours with members of the Committee on Appropriations present. There were a great many facets of Mr. Zubrow's background that were explored.

Senator ZEMPRELLI. Mr. President, it was not my purpose today to speak on behalf of Mr. Zubrow. I had not been asked to. I have seen his name appear with respect to confirmation and I think that I would be somewhat remiss if I did not speak on behalf of a gentleman whom I know and for whom I worked and who had the responsibility for being the father of the Commission that recommended the mortgage interest bill.

If I were going to sum up as to the one individual who had more to do with the background information input of professionalism on the Act, which we now know as the Revised Mortgage Interest bill, it was Mr. Sol Zubrow. He demonstrated to me in those deliberations, in the activities of that committee towards the matter of great importance before this Commonwealth as to its economy, basically in every area that would be affected by the lending of money and the rate of interest which should be charged for the use of that money in mortgages, that he had an uncanny, unusual and unique ability as an economist.

I came away from those deliberations, which lasted for one year, with the highest regard and esteem for this gentleman's qualifications and ability as a professional economist. It is inconceivable for me to believe that that which has been said today by the gentlemen in opposition to his nomination would represent the total concept of understanding and advice that this gentleman would give with respect to any pension program.

Mr. President, Sol Zubrow, in my judgment of him, is

a person who is very, very thorough, very, very considerate, very, very knowledgeable and who has demonstrated this in the successes of his past life. He is not only a renowned economist of Pennsylvania, he is nationally known, nationally recognized as a person who has a reputation of being highest among his peers. I feel that it is necessary for us to know this. The man's credentials are almost impeccable for the type of work which he is being asked to perform here.

In conclusion, Mr. President, I would simply say that I think if Sol Zubrow were appointed and confirmed by the Senate today, the beneficiary of that action would be the Commonwealth of Pennsylvania.

Senator HILL. Mr. President, I do not know Mr. Zubrow personally but I am aware of his reputation as an astute businessman and as an economist. Furthermore, I think it is very dangerous to base any judgment of this kind on newspaper reports because there is not a Member in this Body who has not had some bad experience with newspaper reports as to accuracy of reporting in context, bias and prejudice. I think it is fine to read the newspapers for entertainment, it is fine to get some idea of the news but I just do not think you can base any real judgment of this kind on what some reporter writes about a man in this kind of thing.

Senator COPPERSMITH. Mr. President, I just wanted to say that I was very interested in the remarks of the gentleman from Delaware, Senator Bell, that he is basing his vote on the reliability of a newspaper article in which he has the utmost faith. Perhaps my memory fails me, but I recall him standing on this floor many, many times denouncing newspaper articles for incorrectly reporting what went on in the Senate. I think, perhaps, the same inquiring mind he has as to articles reflecting the actions of the Senate should be used as to newspaper articles reflecting complicated economic viewpoints in other fields.

Mr. President, it is very difficult being a nominee. I recall when we were discussing the merits of another nominee last week, the gentleman from Venango, Senator Frame, first got up and indicated he opposed the nominee because he favored directing the location of power plants in particular areas and that was a prerogative of management. Then the gentleman from Delaware, Senator Bell, got up and said he opposed the nominee because he did not favor complete restructuring of the entire utility system in the Commonwealth of Pennsylvania, which certain people would consider a prerogative of management. The nominee seems to get sandwiched in between two opposing viewpoints and cannot please anybody. I suggest that, if we are going to oppose this particular nominee on the basis of his opinions, we perhaps should do it after direct conversation and an analysis of exactly what was intended to be said.

Senator SWEENEY. Mr. President, Mr. Zubrow may be a man of impeccable credentials and integrity. I am not sure whether that is the question here, at least insofar as I am concerned. In the absence of a tradition of mandatory public hearings it seems to me that it is incumbent on these individuals, who seek confirmation to high office, that they seek out the party caucuses and come and discuss their credentials and their philosophies so that the Members can make an evaluation as to their competency to hold the position which they seek.

Mr. President, I do not know Mr. Zubrow and I will

have to vote against his confirmation. Earlier last week I voted against Mr. Kalodner's nomination because for over two months I had requested that he furnish me with certain information, and the information was just delivered to me in this Chamber. I am going to make it a consistent policy of voting against all nominees I do not personally know and do not have the opportunity to evaluate their credentials and their integrity.

Senator BELL. Mr. President, when I listened to the gentleman from Allegheny, Senator Zemprelli and the gentleman from Cambria, Senator Coppersmith, I was reminded of the old adage: "When you try a case, if you are weak on law, try it on facts; if you are weak on facts, try it on law; if you are weak on both, attack the other lawyer." I see why I was attacked.

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

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

Senator ZEMPRELLI. I will, Mr. President.

Senator BELL. Mr. President, the gentleman, in only the manner in which he can address this Chamber, stated one fact, that this gentleman, Mr. Zubrow, is a professional economist held in the highest esteem by other economists.

Would the gentleman from Allegheny, Senator Zemprelli, put into the record the college and university degrees that this gentleman possesses?

Senator ZEMPRELLI. Mr. President, I would say if the gentleman would give me a leave of absence for about an hour I will come back with all of that information. I do not need that kind of information to make a judgment. When I sit with a man across the table, with varied people from all kinds of industries, housing, labor unions, banks, savings and loans, and various financial interests of this Commonwealth, and have an opportunity to observe and then finally realize the successful result, I pass upon the mettle of the man by what he has done rather than what he pretends to be by way of educational qualifications. He could have gone to a trade school and I would have evaluated him on the basis of what he did, not what he pretended to be.

Senator BELL. Mr. President, I have no further questions of the gentleman. His answer is, "I do not know," or else he has no degrees.

Mr. President, there was a little bit of checking done by our technical staff and I am going to put more into the record from this Pittsburgh Press article. Board Members Vincent Yakowicz, Solicitor General and Frank Happ, Director of the Bureau of Securities, both voiced doubts of the Zubrow theory. "This is not our money," Happ said. "It is our responsibility to State employees to earn as much with their money as possible."

"We would have extreme difficulty," Yakowicz says, "justifying social impact investments that earn less than other kinds." This quotation was checked on by Mr. Yakowicz. He told our technical staff he had made the statement and he also said that Mr. Zubrow stated what is in this article.

Senator AMMERMAN. Mr. President, as we consider this nomination, I rise to say that I am going to vote against the nominee because, in the light of the furor which arose over the possibly questionable policies of the Board in considering certain investments, I have

reached no conclusion. I did convey to the Governor, personally, in his office, in the presence of some of the other Senators, my apprehension at this matter and, as yet, I have received no information which has laid my apprehension to rest. So, in accordance with the very sound principles that have been advanced here by the gentleman from Delaware, Senator Sweeney, I think we should recognize the fact that the gentleman has precipitated this whole issue of public hearings and at the present time we are making some substantial progress in that direction. It is because of the stand of the gentleman from Delaware, Senator Sweeney, that we had public hearings on Secretary Dellmuth this morning. What happened? He was unanimously confirmed. This is a part of the procedure recommended by the Select Committee On Appointments and Confirmations, and I think the issue brought to the fore by the gentleman from Delaware, Senator Sweeney, should be addressed further. Those who participated in the hearings this morning reported very favorably upon what was accomplished, and until either by public hearing or by the furnishing of satisfactory information, preferably by public hearing, I feel constrained to vote "no."

Senator TILGHMAN. Mr. President, I was not going to rise to say anything relative to Mr. Zubrow's nomination. However, I feel that I must, mainly because of some statements made by the gentleman from Allegheny, Senator Zemprelli. I respect his right to have his opinion as to any nominee, as does each of the forty-nine of us here. However, I have met Mr. Zubrow. I was at the hearing of the Committee on Appropriations and the gentleman from Montgomery, Senator Fleming, and I questioned Mr. Zubrow quite closely. The gentleman from Clearfield, Senator Ammerman, also questioned him, as I recall.

Prior to that meeting I had never met Mr. Zubrow. I told him during that hearing that as far as I was concerned, he was rather a mysterious individual and he said, "What do you mean by that?"

I stated that he had had several contracts with the Commonwealth. I believe he was involved in an investigation of the liquor stores going public or staying private. I do not believe that that report has ever been published. He was also involved in the investigation of the mortgage interest rate problem which we had in the Commonwealth.

I think he is a very pleasant individual. I had occasion to meet him at another time in Philadelphia recently at a social function. I enjoyed being with him and I regret to say that I am going to vote against his nomination here today.

I do not think he has the qualifications to be in charge of \$1.4 billion. That is an enormous sum of money. He may very well, over the course of time, gain the credentials that will enable him to work with other people in the handling of this money. That may be true, but I am not quite so sure that these two pension funds are the place for on-the-job training.

I would correct the gentleman from Allegheny, Senator Zemprelli, once again in stating that we questioned Mr. Zubrow as to his, if you will, academic credentials. He stated that he had gone to thus-and-so institution, and mentioned two or three of them. There the matter dropped. With that, the gentleman from Montgomery, Senator Fleming, asked, "Did you ever get a degree or

graduate from any of these institutions?" He said, "No," as I recall. There is no transcript of this meeting, but I think I am being fair to Mr. Zubrow when I say that.

I asked him why he had not graduated or received some kind of a degree or completed the education which he started and he stated as nearly as I can recollect—and I will look to the gentleman from Montgomery, Senator Fleming, for clarification on this—that various family financial affairs had impinged on his education and he had to leave to go to work and earn a living for himself and his family. I understand that, and we can all understand that and there certainly is no reason that he should have stayed and deprived his family of the income which he could earn.

However, I want to point out that, as far as I know, he does not have what one would call the academic credentials to be considered a top-flight economist. I am not so doggone sure that these academic credentials are necessary, anyway, but I am going to vote against him just because I think there are other people whom the Governor could choose, in the Commonwealth of Pennsylvania, more qualified to handle these funds.

I also have in my hand a letter and a questionnaire sent out by Mr. Zubrow, which he gave to the gentleman from Montgomery, Senator Fleming, and me, to many financial institutions in the country, requesting that they answer the financial questions and be considered as one of those concerns which would participate in the investment of the Fund. I do not think Mr. Zubrow ever particularly told us that this was something that he had drawn up himself. It happens to be a Harvard University questionnaire for their trust fund.

However, I am a little concerned when I see that the letter signed by Mr. Zubrow is addressed, "Gentlemen." In other words, it may go to an investment or banking concern. It is headed "State Employees' Retirement Fund." Then Mr. Zubrow has as the address of the Chairman, 1616 Walnut Street. I believe that is his office in Philadelphia, Pennsylvania. I believe that is his personal office and I do think that the Chairman of the Fund should have these questionnaires sent back to the Labor and Industry Building in Harrisburg where the State Employees' Retirement Board is located.

I suppose that Mr. Zubrow will hear of these remarks made on the floor by all of us today. I am sorry that I cannot vote for his confirmation. It has nothing whatsoever to do with his personality; I just think it is the wrong man in the wrong spot.

MOTION TO LAY NOMINATION ON THE TABLE

Senator NOLAN. Mr. President, I move that the nomination of Sol E. Zubrow to the State Employees' Retirement Board be laid on the table at this time for the purpose of conducting public hearings which will be conducted by the gentleman from Allegheny, Senator Zemprelli, as Chairman of the Committee on Business and Commerce.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

BILLS WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

BILLS OVER IN ORDER

HB 141, 142 and 907—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 108—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 362 (Pr. No. 1055)—Senator STAPLETON. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 362.

On the question,

Will the Senate agree to the motion?

Senator STAPLETON. Mr. President, I would like to speak in support of Senate Bill No. 362 as it was amended in the House approximately two weeks ago, with seventeen Members of that Body voting in the negative.

First of all, I would like to clarify what the amendment does to this bill which was passed in the House. It would abolish the academic fee remission and tuition waiver at certain colleges and Indiana University of Pennsylvania. As to all of our State-owned colleges and Indiana University that have this program in effect—and there are only five of the fourteen State colleges that use this benefit, and all of our State-related universities are using this benefit of fee remission—it would have them furnish satisfactory evidence to the Chairperson of the House and Senate Committees on Appropriations and the Chairperson of the House and Senate Committees on Education, that, commencing with the academic year which begins in September of 1976, all programs of academic fee remission and tuition waiver for all employees of these respective institutions be abolished.

Mr. President, I feel that possibly this was very necessary and a very good program many, many years ago when some of our institutions of higher learning offered this benefit to attract top-notch professors to these schools because the salaries were certainly inadequate. However, today this is not the case. I do not intend to go into detail on salaries and other benefits offered to faculty and staff but, if necessary, I have that information and I will make it available later.

Mr. President, the total fee remission of our State-related universities and our State-owned colleges would run in the neighborhood of \$4.5 million to \$5 million. For example, at Penn State University for the 1973-74 academic year, it would total \$988,000, almost \$1 million; at the University of Pittsburgh for 1973-74 academic year, it would total \$1,083,000; at Temple University for 1974-75 academic year, it ran over \$635,000. Of course, our five State-owned colleges would run several hundreds of thousands of dollars.

Mr. President, the people whom I represent and all the Senators here represent, are telling us in the Legislature that the time is here when we eliminate some of these personal benefits and take a very serious look at this inequity. Certainly I feel that if the coal miner and

the factory worker and the farmer and the businessman, or whoever it might be, is required to pay tuition for their children, and they are earning far less an income, I do not think it is fair. I think the time has come to do something about it.

Also, Mr. President, all of our nonprofessional employees of these institutions—and there are many of them—have the same privilege as everyone else in the Commonwealth and that is that those who are making less than \$16,000 a year have the right and the privilege to apply for PHEAA assistance. Certainly, most of them are making less than \$16,000.

For that reason, this bill would not go into effect until September of 1976, instead of September of 1975, which would give everyone an opportunity to apply for whatever grants and loans are available, and apply for PHEAA help.

Mr. President, last week we appropriated some \$16 million to the University of Pennsylvania. Certainly I hope that I will be able to amend that bill when it comes around again because at the University of Pennsylvania they will pay up to \$900 tuition per student to any college or university in this country as long as someone in the family is employed at that University.

Let me put it in another way, Mr. President. If all those people who are receiving this help in free tuition would pay that to the University of Pennsylvania, it would mean \$1.3 million new revenue to that University.

Mr. President, I would be very hopeful that Members from both sides of the aisle would support Senate Bill No. 362 and concur with the amendments of the House.

Senator NOLAN. Mr. President, we are faced with the amendment put in by the House of Representatives which is the same amendment that we fought during the budget consideration on the floor here in the Senate. What the amendment would do: It would remove from the employees of the State-related colleges and universities the fringe benefits that were promised to them when they were hired as employees in the past number of years, and that goes back many years. These people have given many years of their lives, most times at low wages, and turned down better jobs because of the fringe benefits that they knew the members of their families would eventually be able to have because they were employees of the universities.

Mr. President, it is my contention that some of the fringe benefits are also covered by contracts between the employees and the universities and no action of the Senate which may be taken here can wipe out a contract that has been negotiated between the employees and the universities. I have said that if we move this back into committee, I think we could come up with an agreement whereby all new employees of the universities and colleges who may be hired, beginning September 1st of this year, would have a clear understanding that these fringe benefits would not be available to them because of the wages being paid today. I think if we are to remove, or try to remove, the fringe benefits that in some cases are contractual, and in most cases promises, that we are going to face chaos in our colleges and universities in this State.

Mr. President, it has just been told to me that eighty-five per cent of the employees of the universities and colleges are the people that are considered other workers and not part of the faculty.

Mr. President, I am requesting at this time that we have a "no" vote on concurrence and send this bill to Committee.

Senator JUBELIRER. Mr. President, I rise to agree with the Majority Leader in the argument just made. Much of what he has said I had written before me. I represent a constituency that has a Pennsylvania State University campus within it. I have talked to many people in the last couple of weeks who are involved in the program and I would reiterate my remarks of several weeks ago when I said I do not think it is for this Body to legislate away a contractual negotiation. I repeat that again; as the Majority Leader has so stated, this is a fringe benefit, this is depended upon by not just college professors and their children, but by people who work in maintenance departments, agricultural extensions and thousands upon thousands of people who are not applying for Senatorial Scholarships because this is the little bit of help that they get from the State for their children, mothers who go to work after they have raised their children, in order to put their children through school, not taking something but rather working for something. This is considered a fringe benefit that they work for; they are not applying for Pennsylvania Higher Education Assistance Agency grants or loans. This is their way of finding a means to educate their children, and I think when we take that away from them, we take away that little bit of pride and I say to this Body that that little bit of pride is going fast, that little bit of pride when the mother of the child goes to work, as the child approaches sixteen and seventeen, so she can help put her child through college. I think it would be grossly unfair for us to take this away from them and I urge a "no" vote on concurrence in Senate Bill No. 362.

Senator MESSINGER. Mr. President, I rise to support the statements of the Majority Leader and the gentleman from Blair, Senator Jubelirer. I think in the future, perhaps, we should do something about, maybe, some of the abuses of this particular system. To cut it off at September 1976, after many people have, perhaps, for ten or fifteen years, been waiting for this opportunity, I think would be a very bad move, and I hope that we do not concur in the amendment placed by the House in this bill.

Senator TILGHMAN. Mr. President, I also agree with nonconcurrence but I would suggest, if I might, to my colleagues and maybe the Committee on Education of the Senate, that the universities give us the information as to the number of employees and professors and salary range of people that would come under this amendment. I do not necessarily agree with the Majority Leader that maybe we should cut this off from next year onward. I do not know. I have no basis of fact; but I think that the universities, certainly the ones involved with State funds, should give us this information and a total breakdown of those figures.

Senator O'PAKE. Mr. President, I join my colleagues in urging a vote of nonconcurrence in this amendment. Many of us, I am sure, have many quarrels and disagreements about the entire system whereby the fourteen State-owned colleges and the three State-related universities are funded by the Department of Education, and many of the other benefit programs that may or may not exist within these institutions. I agree with the gentleman from Montgomery, Senator Tilghman, and

would suggest that hopefully tomorrow the Committee on Rules and Executive Nominations will consider a resolution which was introduced last week, Senate Resolution No. 50, and perhaps this week the Senate can address itself to a full scale investigation of the Department of Education's policies both with regard to funding, the proposed across-the-board retrenchment plan and all these other little tangential areas that do have a bearing on the benefits, the work morale and the other problems that may exist in the fourteen State-owned colleges.

Senator MCKINNEY. Mr. President, since the University of Pennsylvania was singled out and it lies within my District, I, too, agree with the Majority Leader, the gentleman from Blair, Senator Jubelirer and the rest of my colleagues who have agreed on the nonconurrence on Senate Bill No. 362.

Senator REIBMAN. Mr. President, the issue that we are discussing today has been a time-honored practice among most of the colleges throughout the country, whether they are private, State-related, State-owned or State-supported. This has been a practice that has been practiced and considered to be a fringe benefit for all employees of all of the institutions, and I would agree with the Majority Leader and all of my colleagues who have discussed this and suggested that we nonconcur in the House amendment.

Mr. President, I might add that the whole question of funding higher education is one that is troubling not only Pennsylvania but practically the entire Nation. With practically one college a month closing across the country, it is time that we study not only the financing but the governance and the structure of higher education. With the birth rate being lower now and the number of eighteen-year olds not going to post-secondary institutions in the future, it is time that a new look be taken to see what the constituency will be in post-secondary schools.

Mr. President, for that reason, with the Majority Leader as the prime sponsor, and there are quite a few of us, Senate Bill No. 551 sets up a citizens' commission asking the Governor to appoint ten Legislators and eleven citizens-at-large to study the need for post-secondary education in Pennsylvania. I think that this is a proper committee that would be studying the entire spectrum of financing post-secondary education, both private, public and State-related, the structure, the type of students who will be served in the future, and I would urge that the Senate Committee on Appropriations report this bill out. It has already been reported out by the Committee on Education and it had been referred to the Committee on Appropriations. May I urge that that bill be reported out, and in conjunction with the amendment that the gentleman from Indiana, Senator Stapleton, discussed, we consider all the ramifications of aid in higher education.

Senator LEWIS. Mr. President, I rise in opposition to the request for concurrence to this measure and would say that I would join with the Majority Leader at a minimum in requesting that if, in fact, we are going to implement this type of program, we keep it limited to a point in time that would begin from some day in the future and not be retroactively effective to persons who might have worked for many, many years in expectation that this benefit would be available to them.

However, Mr. President, I would like to also suggest

that there are some other factors here that my fellow Members might want to take into consideration as they give thought towards this measure. We are being asked, in the light of economy, to consider the removal of a benefit that is costing many thousands of dollars in our educational institutions. I think that we should examine this very, very closely because, at a time when the State is budgeting carefully in all areas, there should be no one avenue that is left without scrutiny. However, I am wondering if the effect of this might actually impose a greater expense than the one we are trying to save. My concern is because of two possibilities of occurrence here. I am led to believe that a very large number of the people who work in the various institutions are non-professional people, who are drawn there and paid salaries that are less than those that are prevalent in the current economic market and being paid by industry in a competing area, and they are there because the individual person might, himself, want to take a course for which he then does not have to pay the tuition, or someone who might be seeking a full time job then finds that the benefit available for his child, while indirect, more than offsets in his mind the additional salary that he would have to be paid if he were going out into the open market.

I am wondering, Mr. President, if in fact we remove this type of benefit, we are going to force our institutions to significantly increase the salary levels which they have to pay in order to get competent personnel to do the job. If, in fact, that is the case, the problem is that this salary level has to be increased for everyone, it cannot be done on a selective basis; whereas, the benefit which is presently being made available to them is used only by a few, but I dare think that the possibility that it might be used by all of them is enough to keep each and every one of them there.

The second concern that I have is the expression that if this benefit is removed, those who are making a salary of less than a certain designated amount can then proceed, as do people who work for a living in some other fashion, through the Pennsylvania Higher Education Assistance Agency, to make application for grants for assistance for their children. I think there is probably not a person in this room who is not aware of the economic difficulties that that Agency is presently having. There is not a single one of us who does not have a constituent, or many of them, who are not already being granted the funds that they and their children need now to subsidize their education.

Mr. President, I say if we are going to turn additional people into a situation where they then must make application in order to meet their educational needs, that we had better be prepared to grant the additional money that the Agency needs in order to meet this inflow of new applications because, if we are not, indirectly then, we are going to impose an added burden and a hardship upon every one of the students in our present constituencies who are now going to have to take even less than the amount they are presently getting.

For those reasons, Mr. President, I would ask all of my colleagues to nonconcur in the House amendment.

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

Senator SCANLON. Mr. President, I would like to bring up a point which I do not think has been discussed here.

The lady from Northampton, Senator Reibman, has pointed out that this is a nationwide method of getting teachers to come to our universities. If we were to concur in this, I would submit that we would be putting the universities of Pennsylvania to a disadvantage.

Outside of recruiting football players, one of the important jobs in any university is to recruit faculty. Therefore, Mr. President, I urge nonconcurrence.

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

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

YEAS—3

Hess, Kelley, Stapleton,

NAYS—46

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

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

The PRESIDENT pro tempore. The bill will be returned to the House of Representatives with the information that the Senate has nonconcurred in the amendments.

COMMITTEE OF CONFERENCE TO BE APPOINTED

Senator NOLAN. Mr. President, I move that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

SB 368—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

SB 553—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1333—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL RECOMMITTED

SB 162 (Pr. No. 1044)—Upon motion of Senator NOLAN, and agreed to, the bill was recommitted to the Committee on Consumer Affairs.

BILL ON THIRD CONSIDERATION AMENDED

SB 419 (Pr. No. 968)—Considered the third time,

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

Amend Sec. 1 (Sec. 5), page 4, line 29, by striking out "BOARD" and inserting: governing body

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 NOLAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 537 (Pr. No. 1056)—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

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

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.

HB 563 (Pr. No. 622)—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

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

NAYS—1

Ammerman,

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 738 (Pr. No. 1079)—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—41

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

NAYS—8

Dwyer,	Hess,	Kury,	Stauffer,
Hager,	Jubelirer,	Snyder,	Zemprelli,

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.

BILL OVER IN ORDER

SB 816—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL OVER IN ORDER
AND RECOMMITTED

SB 850—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

In accordance with Senate Rule 2, Order of Business, as amended by Senate Resolution, Serial No. 13, Session of 1969, the bill was recommitted to the Committee on Appropriations.

BILL ON THIRD CONSIDERATION AND FINAL
PASSAGE

HB 1346 (Pr. No. 1575)—Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Ammerman,	Hager,	Lynch,	Orlando,
Andrews,	Hankins,	Manbeck,	Reibman,
Arlene,	Hess,	McKinney,	Ross,
Bell,	Hill,	Mellow,	Scanlon,
Cianfrani,	Hobbs,	Messinger,	Smith,
Coppersmith,	Holl,	Moore,	Snyder,
Dougherty,	Howard,	Murphy,	Stapleton,
Duffield,	Jubelirer,	Murray,	Stauffer,

Dwyer,	Kelley,	Myers,	Sweeney,
Early,	Kury,	Nolan,	Tilghman,
Ewing,	Lentz,	Noszka,	Wood,
Fleming,	Lewis,	O'Pake,	Zemprelli,
Frame,			

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.

SECOND CONSIDERATION CALENDAR

BILL RECOMMITTED

SB 21 (Pr. No. 21)—Upon motion of Senator NOLAN, and agreed to, the bill was recommitted to the Committee on Rules and Executive Nominations.

BILLS ON SECOND CONSIDERATION

HB 50 (Pr. No. 1271) and **HB 97 (Pr. No. 1272)**—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 240 and **SB 421**—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 462 (Pr. No. 470) and **HB 491 (Pr. No. 543)**—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 527—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 549 (Pr. No. 573), **SB 550 (Pr. No. 574)**, **SB 580 (Pr. No. 611)** and **HB 584 (Pr. No. 653)**—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS REREFERRED

SB 613 (Pr. No. 1104) and **SB 614 (Pr. No. 1105)**—Upon motion of Senator NOLAN, and agreed to, the bills were rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 661—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 675 (Pr. No. 1097) and **HB 678 (Pr. No. 1975)**—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 742—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 751 (Pr. No. 849)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL REREFERRED

HB 793 (Pr. No. 896)—Upon motion of Senator NOLAN, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 803 and SB 810—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION AMENDED

HB 856 (Pr. No. 2024)—The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

ZEMPRELLI AMENDMENTS OFFERED

Senator ZEMPRELLI offered the following amendments:

Amend Sec. 1 (Sec. 14), page 2, line 17, by inserting brackets before and after "clerical assistance and other"

Amend Sec. 1 (Sec. 14), page 2, line 18, by removing the comma after "office" and inserting: but no part of such expense allowance shall be used to compensate personnel,

On the question,

Will the Senate agree to the Zemprelli amendments?

Senator ZEMPRELLI. Mr. President, my first purpose in the amendments was an inquiry and also a complaint from various members of the general public that the accountable expense account sometimes is used for the purpose of nepotism and in other instances, situations where people were hired to perform certain services on behalf of a Legislator in his home office or in his home, per se.

The approval of these amendments would simply suggest that none of the expense account allowance, whether it be \$5,000 or the increased amount proposed in this particular bill, would be used for the payment of any personnel, period.

Senator HAGER. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Zemprelli.

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

Senator ZEMPRELLI. I will, Mr. President.

Senator HAGER. Mr. President, would these amendments preclude the payment of the expenses of anyone attending a meeting, including his mileage to get there, on behalf of a Member of the General Assembly?

Senator ZEMPRELLI. Mr. President, except for the Member of the General Assembly, my interpretation of the amendments would be that it would be prohibited.

Senator HAGER. Mr. President, does it say salaries and expenses or just salary?

Senator ZEMPRELLI. Mr. President, the exact language

of the amendments is salaries of personnel, as I recall.

Senator WOOD. Mr. President, clerical assistance and other compensations.

Senator ZEMPRELLI. Mr. President, the amendments read, in part, ". . . but no part of such expense allowance shall be used to compensate personnel." In my judgment, this would relate to any services rendered on behalf of a Legislator. The pure intent of the accountable expense would be that actual expense, other than personnel expense, incurred by a Legislator. I understand it may be an overkill to a certain extent, but the original directive of my intent was with respect to a situation which could give rise to nepotism more than anything else.

Senator HAGER. Mr. President, would these amendments also prevent the hiring of an answering service or someone to answer the telephone when the home office of the Senator is not being manned by the Senator himself?

Senator ZEMPRELLI. Mr. President, it would be my interpretation that such an expenditure would be precluded by these amendments. Again, simply because the original and primary intent would be to preclude a Legislator from paying a member of his family for performing that service, but because of the confusion which would arise in a delicate situation in determination of the degree of relationship of the relative, it was my thought, perhaps, to make it over-embracing and to simply eliminate that type of expenditure.

Senator HAGER. Mr. President, I thank the gentleman and at this point I would like to speak against these amendments.

If the Senator's objections are the possibility of nepotism, then it would seem to me that the Senator, who is well-known for his draftsmanship, could draft an amendment to preclude the possibility of nepotism while, at the same time, not preclude a kind of expenditure which is to the benefit of the constituents of the Senator.

Mr. President, I would ask, in consideration of these amendments, that we take more of a rifle-shot approach and not such a shotgun approach, and I would ask the Members of the Senate to join me in voting against these amendments.

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

Senator BELL. Mr. President, I ask that the gentleman from Allegheny, Senator Zemprelli, reconsider his position on these amendments. This law does not only apply to us, it also applies to the House Members. House Members have no paid secretary at home, and I know that some of them in my area use part of their expense account to pay for part-time help in their home office. These amendments would certainly hurt the Members of the House of Representatives.

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

The PRESIDENT pro tempore. The Senate will be at ease.

(The Senate was at ease.)

ZEMPRELLI AMENDMENTS WITHDRAWN

Senator ZEMPRELLI. Mr. President, for reasons which have been asserted on the floor and in consideration of them, I would ask that these amendments be withdrawn with the understanding that I propose to submit new

amendments in tomorrow's Session which will, in fact, be restricted to the prime purpose of definition of nepotism restrictions.

The PRESIDENT pro tempore. The Chair hears no objection and the amendments will be withdrawn.

And the question recurring,

Will the Senate agree to the bill on third consideration?

WOOD AMENDMENTS

Senator WOOD offered the following amendments:

Amend Sec. 1 (Sec. 14), page 2, line 21 by inserting brackets before and after "equal"

Amend Bill, page 3, by inserting after line 7: Section 2. This act shall take effect immediately.

On the question,

Will the Senate agree to the Wood amendments?

They were agreed to.

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

BILL OVER IN ORDER

SB 901—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

SB 910 (Pr. No. 1023) and **SB 911 (Pr. No. 1106)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 930—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

HB 940 (Pr. No. 1074) and **HB 951 (Pr. No. 1496)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 955—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

HB 996 (Pr. No. 1976) and **HB 1000 (Pr. No. 1842)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 1022—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

HB 1075 (Pr. No. 1988), **HB 1119 (Pr. No. 1497)**, **HB 1120 (Pr. No. 1288)** and **HB 1138 (Pr. No. 1315)**—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 1164, 1189, 1219, 1299, 1302, 1347 and **1386**—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILLS ON SECOND CONSIDERATION

HB 1417 (Pr. No. 1839) and **HB 1419 (Pr. No. 1668)**—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 1438, 1439, 1440, 1471, 1472 and **1493**—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 1494 (Pr. No. 1763)—Considered the second time and agreed to,
Ordered, To be transcribed for a third consideration.

RECONSIDERATION OF SB 778

BILL OVER IN ORDER ON FINAL PASSAGE

SB 778 (Pr. No. 840)—Senator NOLAN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 778, Printer's No. 840, failed of final passage on July 15, 1975.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator NOLAN. Mr. President, I request that Senate Bill No. 778 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

RECONSIDERATION OF SB 792

BILL OVER IN ORDER ON FINAL PASSAGE

SB 792 (Pr. No. 854)—Senator NOLAN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 792, Printer's No. 854, failed of final passage on July 15, 1975.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator NOLAN. Mr. President, I request that Senate Bill No. 792 go over in its order and appear on tomorrow's Final Passage Calendar.

The PRESIDENT pro tempore. There being no objection, the bill will be placed on tomorrow's Final Passage Calendar.

CONSIDERATION OF CALENDAR RESUMED

HOUSE CONCURRENT RESOLUTION No. 13, CALLED UP

Senator NOLAN, without objection, called up from page 14 of the Calendar, House Concurrent Resolution No. 13, entitled:

House Bipartisan Committee to investigate causes of pollution of Lake Erie.

On the question,

Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION No. 13

Senator NOLAN. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 13.

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

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE RESOLUTION, SERIAL NO. 48, CALLED UP

Senator NOLAN, without objection, called up from page 14 of the Calendar, Senate Resolution, **Serial No. 48**, entitled:

Senate Committee to investigate Governor's nominees and appointees to the Milk Marketing Board.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION, SERIAL NO. 48, ADOPTED

Senator NOLAN. Mr. President, I move that the Senate do adopt Senate Resolution, Serial No. 48.

The motion was agreed to and the resolution was adopted.

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 PENNSYLVANIA BOARD OF
PROBATION AND PAROLE**

July 21, 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 Ms. Verdell Dean, 4909 Centre Avenue, Pittsburgh 15213, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve until December 31, 1976, or until her successor is appointed and qualified, vice Ernest R. Conley, Pittsburgh, whose term expired.

MILTON J. SHAPP

**MEMBERS OF THE BOARD OF TRUSTEES OF
SHIPPENSBURG STATE COLLEGE**

July 21, 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 the following for appointment as members of the Board of Trustees of Shippensburg State College:

Mrs. Dorothy H. Mark, 605 East Orange Street, Shippensburg 17257, Cumberland County (Reappointment), Thirty-third Senatorial District, to serve until the third Tuesday of January 1979, and until her successor is appointed and qualified.

Jeffrey W. Coy, R. D. 4, Forest Ridge Drive, Shippensburg 17257, Cumberland County, Thirty-third Senatorial

District, to serve until the third Tuesday of January 1981, and until his successor is appointed and qualified, vice Albert W. Butterfield, Gettysburg, whose term expired.

Harold U. Crouse, 120 East King Street, Shippensburg 17257, Cumberland County, Thirty-third Senatorial District, to serve until the third Tuesday of January 1981, and until his successor is appointed and qualified, vice Dr. Allan L. Watts, Shippensburg, whose term expired.

William R. Minnick, 4909 Wyoming Avenue, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, to serve until the third Tuesday of January 1981, and until his successor is appointed and qualified, vice Paul E. Bogar, Shippensburg, whose term expired.

MILTON J. SHAPP

**MEMBERS OF THE BERKS COUNTY BOARD OF
ASSISTANCE**

July 21, 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 the following for reappointment as members of the Berks County Board of Assistance:

Robert Berry, Jr., (Democrat), 225 Rose Street, Reading 19601, Berks County, Eleventh Senatorial District, to serve until December 31, 1977, and until his successor is duly appointed and qualified.

Harold I. Brown (Democrat), 1220 Linden Street, Reading 19604, Berks County, Eleventh Senatorial District, to serve until December 31, 1976, and until his successor is duly appointed and qualified.

George A. Mason (Democrat), 1610 Olive Street, Reading 19604, Berks County, Eleventh Senatorial District, to serve until December 31, 1976, and until his successor is duly appointed and qualified.

Dr. E. William Spitz (Democrat), 1619 Lorraine Road, Reading 19604, Berks County, Eleventh Senatorial District, to serve until December 31, 1976, and until his successor is duly appointed and qualified.

Mrs. Catherine Maslar (Democrat), 211 Brookline Street, Reading 19602, Berks County, Eleventh Senatorial District, to serve until December 31, 1977, and until her successor is duly appointed and qualified.

MILTON J. SHAPP

**MEMBER OF THE CHESTER COUNTY BOARD OF
ASSISTANCE**

July 21, 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. Barbara L. Greenfield (Democrat) R. D. No. 1, Glenmoore 19343, Chester County, Thirteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance to serve until December 31, 1978, and until her successor is duly appointed and qualified to fill a vacancy.

MILTON J. SHAPP

**MEMBERS OF THE CHESTER COUNTY BOARD OF
ASSISTANCE**

July 21, 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 the following for appointment as members of the Chester County Board of Assistance:

Mrs. Helen Durnell (Democrat), 151 South Adams Street, West Chester 19380, Chester County, Nineteenth Senatorial District, to serve until December 31, 1976, and until her successor is duly appointed and qualified, vice Mrs. Margaret Gebhard, resigned.

Ms. Lois Lewis (Democrat), 7 Matlack Street, West Chester 19380, Chester County, Nineteenth Senatorial District, to serve until December 31, 1978, and until her successor is duly appointed and qualified, to fill a vacancy.

Ms. Frances Majors (Republican), 422 Hannum Avenue, West Chester 19380, Chester County, Nineteenth Senatorial District, to serve until December 31, 1975, and until her successor is duly appointed and qualified, vice Mrs. Maggie M. Suominen, resigned.

MILTON J. SHAPP

MEMBER OF THE DELAWARE COUNTY BOARD OF ASSISTANCE

July 21, 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. Catherine M. Adams (Democrat), 1574 Glen Avenue, Folcroft 19032, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 1978, and until her successor is duly appointed and qualified, to fill a vacancy.

MILTON J. SHAPP

MEMBER OF THE INDIANA COUNTY BOARD OF ASSISTANCE

July 21, 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 Jack Mock (Democrat) 201 Lowman Road, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Indiana County Board of Assistance, to serve until December 31, 1976, and until his successor is duly appointed and qualified, vice James Coleman, resigned.

MILTON J. SHAPP

MEMBERS OF THE POTTER COUNTY BOARD OF ASSISTANCE

July 21, 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 the following for appointment as members of the Potter County Board of Assistance:

Ms. Grace Austin (Democrat), Coudersport 16915, Potter County, Twenty-fifth Senatorial District, to serve until December 31, 1976, and until her successor is duly appointed and qualified, vice Mrs. Anne H. Gagnon, term expired.

Lowell Carpenter (Democrat), Ulysses 16948, Potter County, Twenty-fifth Senatorial District, to serve until December 31, 1977, and until his successor is duly appointed and qualified, vice Mrs. Gayle Wilson, resigned.

MILTON J. SHAPP

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess Adjournment.

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

BILLS SIGNED

The President (Lieutenant Governor Ernest P. Kline) in the presence of the Senate signed the following bills:

HB 451, 503 and 910.

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

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator MELLOW, from the Committee on Environmental Resources, rereported, as amended, **HB 287**.

Senator HILL, from the Committee on Judiciary, reported, as amended, **SB 180, 518, 599, HB 749 and 826**.

SENATE CONCURRENT RESOLUTIONS

MEMORIALIZING THE PEOPLE TO RECOGNIZE THE ACCOMPLISHMENTS OF THE STATE OF MISSOURI

Senators NOLAN, MURRAY and WOOD offered the following resolution (Serial No. 217), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, July 21, 1975.

WHEREAS, The State of Missouri, sometimes called the "Mother of the West," has played a prominent and central role in the founding, expansion, and development of this country, from Father Marquette and Louis Joliet's discovery of the mouth of the Missouri River in 1763 to the erection of the magnificent 650 foot Gateway Arch in 1965; and

WHEREAS, The State of Missouri has facilitated the development of and fed the people of America through the agricultural production of beef, cattle, corn, hogs, milk, soybeans and wheat; the mining of coal, iron ore, gravel, and stone; and the manufacture of chemicals, clothing, transportation equipment; and

WHEREAS, From its rich stock of people of African, Czechoslovakian, English, French, German, Polish and Swiss descent, the State of Missouri has populated this Nation with such leaders in government as Harry Truman, such scientists as George Washington Carver, such giants of literature as Joseph Pulitzer and Mark Twain and such artists as Thomas Hart Benton; therefore be it

RESOLVED (the House concurring), That the Senate of the Commonwealth of Pennsylvania takes this opportunity at the outset of the two hundredth anniversary of the founding of this Nation to memorialize all people, the low and the mighty, to recognize the accomplishments of the State of Missouri and take heed of its motto: "Salus populi suprema lex esto."—"The welfare of the people shall be the supreme law."; and be it further

RESOLVED, That a copy of this resolution be made available for presentation to the General Assembly of the State of Missouri.

CALLING ATTENTION TO THE ROLES OF MISSOURI AND PENNSYLVANIA IN THE FOUNDING OF THIS NATION

Senators NOLAN, MURRAY and WOOD offered the following resolution (Serial No. 218), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, July 21, 1975.

WHEREAS, Americans in contemplation of the two hundredth anniversary of the founding of this Nation must never forget those freedoms which so many earlier

Americans so valiantly and unselfishly fought to establish and preserve, and the roles of the States of Missouri, "The Mother of the West" and Pennsylvania, "The Keystone State" as the fertile grounds which have given rise to the personal sacrifices which have made it possible for us to celebrate this historic and most sacred birthday of our Nation; and

WHEREAS, The first Americans, the members of the Delaware, Susquehanna, Shawnee and Iroquois Indian tribes of Pennsylvania, and the Osage, Fox, Sauk, and Mound Builder tribes of Missouri, have provided the foundation and much of the cultural heritage of this Nation; and

WHEREAS, The States of Missouri and Pennsylvania are both enriched by the talents of people from many lands, some of whom fled oppression to seek opportunity and freedom and others who were taken captive and were deprived of that freedom by slavery; and

WHEREAS, Pennsylvanians and Missourians of all classes and backgrounds fought for the ideals and preservation of this country from 1776 until 1975 not only on the battlefield, but in the courtroom, in the schools, in the media, and in the legislative bodies of this country; and

WHEREAS, Two hundred years are but a short step in the corridors of time, nonetheless, this Nation has been recognized not only as a world power but a Nation still respected for its dedication to the principles of justice and freedom and a Nation whose diverse population is still battling for freedom, liberty, justice, decency and humanity. There are still Lexingtons ahead for us to test our strength, Concord to test our courage and Valley Forge to test our fortitude; therefore be it

RESOLVED (the House concurring), That the members of the Senate of the Commonwealth of Pennsylvania say to all young men and women, the makers of America's future, who may have doubts about that future, "You say our Nation is spiritually poor and economically rich and in many ways we must agree with you. But not totally. For every bigoted black or white person there are two who are not; for every very selfish person, there are two who are very generous, and every cynic is matched by an idealist who seeks to trust and build rather than be guided by bitterness and defeat. You ask why we believe that your generation will not fail to create a better world and our answer is, because you are so very aware of how necessary a better, safer world is in a nuclear age, and also because you have an education, the technical assistance of all modern science, and a great tradition that many valiant men and women in the past have left to you to build upon. But mostly because you are free from old fears and hang-ups. You have the guts."; therefore be it further

RESOLVED, That a copy of this resolution be made available to the General Assembly of the State of Missouri.

ENCOURAGING THE CITIZENS OF PENNSYLVANIA TO COMMEMORATE THEIR COMMON HERITAGE AND EFFORTS WITH MISSOURIANS

Senators NOLAN, MURRAY and WOOD offered the following resolution (Serial No. 219), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, July 21, 1975.

WHEREAS, In commemoration of the two hundredth anniversary of American independence and so as to promote bicentennial activities and tourism in general, the Three Rivers Improvement and Development Corporation (TRIAD) has sponsored a six week river Bicentennial Celebration Tour from Pittsburgh, Pennsylvania to St. Louis, Missouri covering 17 cities and six states; and

WHEREAS, This trip underlines the commonality between Pittsburgh and St. Louis as gateways to the west whether it be by early river raft traffic, Conestoga wagon via the National or Cumberland Road, steamboat or modern transportation; therefore be it

RESOLVED (the House concurring), That the Senate of the Commonwealth of Pennsylvania encourages its

citizens, in commemoration of their common heritage and common efforts with Missourians at opening the west, to spend their vacations in pursuit of their past by traveling throughout the historic countryside to Missouri; and be it further

RESOLVED, That a copy of this resolution be presented to the General Assembly of the State of Missouri and that an additional copy be presented to the Three Rivers Improvement and Development Corporation in recognition of this bicentennial undertaking.

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 Dr. Sylvester Lentz by Senator Hobbs.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Yankanich by Senator Jubelirer.

Congratulations of the Senate were extended to Major Gordon R. Jefferson, Sister Ursula Marie Hughes and to Dr. Matthew W. Costanzo by Senator Dougherty.

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 180, 518, 599, 954, HB 749 and 826.

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, something occurred today which, I think, goes down in Senatorial history. That is the public hearing on Carl Dellmuth for the Secretary of Banking which my colleague, the gentleman from Delaware, Senator Sweeney, requested and which the Majority leadership concurred in. I think this is a fine thing because in a proper public hearing could be brought out many of the factors we sometimes flounder around with here on the floor of the Senate.

I would like to suggest to the leadership of the Senate that they consider a public hearing on any nominee—they are no longer called appointees, they are nominees now under the new constitutional amendment—coming from the Governor to this Chamber, a public hearing on any nominee when so requested by either caucus and that the hearing be held by the committee charged with the responsibility of that field. For instance, if judges come over, let the Committee on Judiciary have the hearing; some others come over in other phases, so that we have the specialists, the technicians, in that field present to give help to the Senators as they interrogate the proposed nominee.

Senator JUBELIRER. Mr. President, I would like to call the attention of the Legislature, and I think it has already been called attention to by the media in some respects, that I foresee, Mr. President, an oncoming crisis in the juvenile justice system in Pennsylvania.

We are fast approaching the date of August 15, 1975,

when the State Correctional Institution at Camp Hill will be closed to juveniles and I think has already been closed to juveniles by the Attorney General. Recently I had to send my administrative assistant to a severe crisis in Somerset County wherein there was a bad situation with juveniles and adults being incarcerated in the same place.

I foresee in the future that unless we take some action, the Executive is not going to take the initiative. If the Executive is going to take the position that we should deinstitutionalize Pennsylvania and that juveniles who have records of violent crimes are going to be put into areas where they will not be under maximum security, I see once again a crisis in Pennsylvania which we will not be acting upon but reacting to, which is so often the case in the Commonwealth.

Mr. President, I would urge my colleagues to be aware of crises in their own respective Districts as I have begun to have them in my District. I would hope that, as I begin to work with my staff on a potential solution, they would also begin to work in hope that we can come up with something that is going to be better than what we are going to face.

I recognize that the Governor has backed the man whom he wants to take over this particular position of deinstitutionalization but I am reminded that this particular individual was asked to leave his last position for the very reasons that I am now worried about.

I do hope that we do not get into a position in Pennsylvania where we are completely without a maximum security institution for juveniles; I also hope that the letter of the law will be followed—which it has not—wherein juveniles and adults have been placed under the same roof in the same institution in both county and State institutions and we have had serious problems of homosexual rape and other very serious things.

We have come to a crisis in medical malpractice, we have come into other crises, and now I foresee today where we will be facing the crisis of the juvenile justice system in Pennsylvania if we do not act and act very quickly.

Senator O'PAKE. Mr. President, I listened with great interest to the remarks of my distinguished colleague, the gentleman from Blair, Senator Jubelirer. I commended him for his interest in this problem long before Gerald Miller came to Pennsylvania and long before the Attorney General ordered that no more youth should be committed to the Camp Hill Institution.

The Joint State Government Commission of this General Assembly was working on this problem. As a matter of fact, earlier this year, after about one and one-half years of study, the Joint State Government Task Force and Services to Dependent, Delinquent and Neglected Children published a very thorough report on the problem of juvenile justice in Pennsylvania and recommended legislation which was introduced in the Senate and the House on that very subject.

As a matter of fact, Senate Bill No. 521 will be the subject of more public hearings by the Senate Committee on Aging and Youth of which the gentleman from Blair, Senator Jubelirer, is a very valuable member. We propose to have these hearings in the fall.

I would also like to point out to those interested here in the Senate that on August 5, 1975—two weeks from tomorrow—there will be an all-day conference and seminar to explore the Massachusetts experience. Now,

Dr. Miller's experiences in Massachusetts and Illinois have been very controversial, to say the least. Many claims and charges and countercharges have flown back and forth.

What the Juvenile Justice Center of Pennsylvania is doing on that day here in Harrisburg is bringing in the people from Massachusetts, who are in a far better position to determine the success or failure of that experiment. I would ask that all Members of the Senate and General Assembly withhold any final judgments, despite the pressures that may come from the home Districts, until we really decide whether deinstitutionalization, Massachusetts-style and Miller-style, is the answer for Pennsylvania or whether we can come up with a more rational, more well-balanced, more gradual plan for dealing with what is, indeed, a very serious problem.

I do not like to see on television that a sixteen-year-old kid hangs himself in one of our State institutions, as we were all subjected to that television show not too many weeks ago, especially when we find out that he had a drug problem; and, yet, there was no drug rehabilitation program available at that youth institution just across the river. But, rather than explode, criticize and make rash judgments about the state of the problem, I would urge that everyone give very careful consideration to proposed solutions.

I welcome the interest of the gentleman from Blair, Senator Jubelirer, and that of his staff. I look forward to sharing that input in the public hearings in the fall, and I hope that before we go out on limbs and make judgments about Dr. Miller, or what he did in Massachusetts or anywhere else, that we sit back and carefully and conscientiously think about what we should be doing better for the youth of Pennsylvania.

The sad fact is that, nationwide, the recidivism rate among young people coming out of institutions is about eighty-five per cent, which means that for every twenty kids who come out of a youth detention center somewhere in this nation, seventeen of them graduate to an adult jail. That is not a very good record, and I think we should be deciding how we can do things better in Pennsylvania.

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, JULY 22, 1975		
10:00 A.M.	EDUCATION to consider Senate Bill No. 186	188
10:30 A.M.	BUSINESS AND COMMERCE Public Hearing on nomination of Sol E. Zubrow as a member of the State Employees Retirement Board	Majority Caucus room

10:30 A.M.	JUDICIARY to consider Senate Bills No. 15, 132, 133, 134, 135 and 450; House Bill No. 452	172	inations and Senate Resolu- tion No. 50 and 51
11:00 A.M.	LABOR AND INDUSTRY to consider Senate Bill No. 116	101	1:00 P.M. FINANCE to consider House Bill No. 1202
11:30 A.M.	INSURANCE continuation of recessed meeting on Senate Bill No. 885	170	ADJOURNMENT Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Tuesday, July 22, 1975, at 1:00 p.m., Eastern Daylight Saving Time. The motion was agreed to. The Senate adjourned at 5:30 p.m., Eastern Daylight Saving Time.
12:00 Noon	RULES AND EXECUTIVE NOMINATIONS to consider Executive Nom-	Committee meeting room	