

Legislative Journal

MONDAY, JUNE 21, 1976

Session of 1976

160th of the General Assembly

Vol. 1, No. 112

SENATE

MONDAY, June 21, 1976.

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 Father JOSEPH DOYLE, Pastor of St. Carthage Church, Philadelphia, offered the following prayer:

Let us pray:

Lord we call upon You this day to be present among this assembly as they strive to do Your will. Give each Member here the courage to proclaim the convictions of heart and the wisdom of mind. Whatever is accomplished here in this Chamber, let it be for the good of all the people of Pennsylvania.

Lord, give us the understanding that we must seek Your counsel in the daily deliberations that will form the laws of the Commonwealth.

Lord, we have asked that You direct the lives of these Senators for the good they can do. We now ask that those who have given them the trust of the office they hold have confidence in their Legislators.

We thank You, Lord, for listening to us. We know that You do hear the prayers of Your people and in Your wisdom and time our requests are fulfilled. Amen.

JOURNAL APPROVED

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

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

GUESTS OF SENATOR HENRY C. MESSINGER PRESENTED TO SENATE

Senator MESSINGER. Mr. President, with us today in the gallery is my son Allan and his wife Carla and their daughter, and for those of you who do not understand that, also my granddaughter, Charlene, and I wish you would give them a welcome as we usually do.

(Applause.)

The PRESIDENT pro tempore. We extend a warm welcome from the Senate of Pennsylvania to the family of Senator Messinger and hope they will come back and visit more often.

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 506, 1011, 1397 and 1472.

SENATE BILL RETURNED WITHOUT APPROVAL

He also presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been returned without approval:

SB 891.

The PRESIDENT pro tempore. The communication and bill will be laid on the table.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence **HB 620**, which was referred to the Committee on Appropriations.

He also presented for concurrence **HB 1976**, which was referred to the Committee on Education.

He also presented for concurrence **HB 1924 and 2359**, which were referred to the Committee on Judiciary.

He also presented for concurrence **HB 2377**, which was referred to the Committee on Law and Justice.

He also presented for concurrence **HB 2270 and 2462**, which were referred to the Committee on Local Government.

He also presented for concurrence **HB 1130, 2198 and 2364**, which were referred to the Committee on State Government.

HOUSE CONCURRENT RESOLUTIONS REFERRED TO COMMITTEES

He also presented for concurrence House Concurrent Resolution No. 192, which was referred to the Committee on Transportation.

He also presented for concurrence House Concurrent Resolution No. 276, which was referred to the Committee on Judiciary.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

He also informed the Senate that the House has adopted Report of Committee of Conference on **HB 175**, which was placed on the Calendar.

SENATE BILL RETURNED WITH AMENDMENTS

He also returned to the Senate **SB 1542**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested. The **PRESIDENT** pro tempore. The bill, as amended, will be placed on the Calendar.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

He also informed the Senate that the House has concurred in amendments made by the Senate to **HB 2071**.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTIONS

He also informed the Senate that the House has concurred in Senate Concurrent Resolutions, numbered and entitled:

Serial No. 228—Directing the Public Utility Commission to investigate proposed alternatives and changes in rate structures; economic and social consequences; report to General Assembly.

Serial No. 233—Memorializing Congress to extend unemployment compensation for an additional 13 weeks.

Serial No. 234—Memorializing Congress to require Federal Savings and Loan Associations to comply with state laws concerning establishment of branch offices.

BILL SIGNED

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

HB 2071.

COMMITTEE OF CONFERENCE APPOINTED ON HB 1490

The **PRESIDENT** pro tempore. The Chair announces the appointment of Senators **ORLANDO**, **STAPLETON** and **MOORE**, as a Committee of Conference on the part of the Senate to confer with similar Committee of the House (if the House shall appoint such Committee) to consider the differences existing between the two houses in relation to House Bill No. 1490.

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

REPORT FROM COMMITTEE

Senator **O'PAKE**, from the Committee on Aging and Youth, reported, as committed, **HB 748**.

REPORT FROM THE JOINT STATE GOVERNMENT COMMISSION**FUNDING THE GAME AND FISH COMMISSIONS**

Senator **STAPLETON** submitted a communication and report from the Joint State Government Commission.

The communication was read by the Clerk as follows:
General Assembly of the Commonwealth of Pennsylvania
Joint State Government Commission
Room 450—Capitol Building
Harrisburg 17120

June 22, 1976

To the Honorable, the Senate
of the General Assembly of the
Commonwealth of Pennsylvania

On behalf of the Joint State Government Commission, I have the honor to transmit herewith the publication Funding the Game and Fish Commissions.

Copies of this publication for members of the Senate have been placed in their post office boxes.

Respectfully submitted,
FRED J. SHUPNIK
Chairman

The **PRESIDENT** pro tempore. The report will be noted in the Journal and printed in the Appendix.

BILLS INTRODUCED AND REFERRED

Senator **KELLEY** presented to the Chair **SB 1628**, entitled:

An Act requiring the closing of retail stores on July 5, 1976.

Which was committed to the Committee on Law and Justice.

Senators **ARLENE** and **SMITH** presented to the Chair **SB 1629**, entitled:

An Act amending the act of July 14, 1961 (P. L. 637, No. 329), entitled "Wage Payment and Collection Law," amending and adding definitions; providing for the payment and collection of fringe benefits and wage supplements; requiring employers to notify their employees of the amount of fringe benefits and wage supplements due to their employees; permitting persons separated from their employment to have their final wage payments mailed to them; reaffirming the right of private individuals to institute criminal prosecutions under the act and permitting such prosecutions to be instituted by labor organizations and by the persons to whom fringe benefits and wage supplements are due; permitting the assignment of claims for unpaid wages to and imposing the duty to prosecute such assigned claims on the Secretary of Labor and Industry; exempting persons who institute claims under this act from payment of filing fees and posting of bonds; providing for increase in liquidated damages; and providing for criminal penalties.

Which was committed to the Committee on Labor and Industry.

Senators **O'PAKE**, **MESSINGER**, **FLEMING**, **ROSS**, **LYNCH**, **ROMANELLI** and **STAPLETON** presented to the Chair **SB 1630**, entitled:

An Act amending the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-fault Motor Vehicle Insurance Act," requiring proof of security for issuance of certificate of title on motor vehicles.

Which was committed to the Committee on Insurance.

SENATE CONCURRENT RESOLUTION**WEEKLY ADJOURNMENT**

Senator **MESSINGER**, on behalf of Senator **NOLAN**, offered the following resolution, which was read, considered and adopted:

In the Senate, June 21, 1976.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 28, 1976 and when the House of Repre-

sentatives adjourns this week it reconvene on Monday, June 28, 1976.

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

RECESS

Senator MESSINGER. Mr. President, at this time I request a recess of the Senate for the purpose of a Democratic caucus with a notice to the Democratic Members to await a call of the caucus and with the expectation of returning to the floor at 2:30 p.m.

Senator FLEMING. Mr. President, we would ask all Republican Senators to come to the caucus room at once. There is another meeting planned with the Governor's nominee for Secretary of Revenue, Mr. Milton Lopus. We would ask all Republican Senators to gather in their caucus room as quickly as possible.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:30 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.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate SB 935, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence HB 2100, which was referred to the Committee on Consumer Affairs.

He also presented for concurrence HB 2464, which was referred to the Committee on Environmental Resources.

He also presented for concurrence HB 2390, which was referred to the Committee on Judiciary.

He also presented for concurrence HB 2446, which was referred to the Committee on Rules and Executive Nominations.

REPORT FROM COMMITTEE

Senator HILL, by unanimous consent, from the Committee on Judiciary, rereported, as amended, HB 1509.

SENATE RESOLUTION

COMMEMORATING SECOND ANNUAL PUERTO RICAN CULTURAL WEEK

Senator REIBMAN offered the following resolution (Serial No. 93), which was read, considered and adopted:

In the Senate, June 21, 1976.

WHEREAS, The 2nd Annual Observance of Puerto Rican Cultural Week will be held during the month of June in the city of Bethlehem; and

WHEREAS, The one-week long celebration will commence on Saturday, June 19th with the raising of the Puerto Rican Flag in the city center, and will conclude with a parade on the 27th of June; now, therefore, be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania recognize and salute the many fine and outstanding cultural contributions which have been made by Puerto Ricans to the Commonwealth, and commend the citizens of the city of Bethlehem on the meritorious display of community spirit shown by their observance of Puerto Rican Cultural Week.

CALENDAR

REPORTS OF COMMITTEES OF CONFERENCE

REPORTS ADOPTED

HB 153 (Pr. No. 3267)—Senator NOLAN. Mr. President, I move that the Senate adopt the Report of Committee of Conference on House Bill No. 153, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," requiring election districts to be contiguous in regions of certain school districts, further providing for certain activities by corporations and unincorporated associations, providing for an accounting exception for small contributions and providing an exception for police officers to be within a certain distance of a polling place.

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

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

YEAS—40

Andrews,	Fleming,	Lewis,	Nolan,
Arlene,	Frame,	Lynch,	Noszka,
Bell,	Hager,	Manbeck,	O'Pake,
Cianfrani,	Hankins,	McKinney,	Orlando,
Coppersmith,	Hill,	Mellow,	Romanelli,
Dougherty,	Hobbs,	Messinger,	Ross,
Duffield,	Holl,	Moore,	Scanlon,
Dwyer,	Kelley,	Murphy,	Smith,
Early,	Kury,	Murray,	Stapleton,
Ewing,	Lentz,	Myers,	Wood,

NAYS—8

Hess,	Jubelirer,	Snyder,	Sweeney,
Howard,	Reibman,	Stauffer,	Tilghman,

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

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

SB 668 (Pr. No. 2033)—Senator NOLAN. Mr. President, I move that the Senate adopt the Report of Committee of Conference on Senate Bill No. 668, entitled:

An Act amending the act of April 14, 1949 (P. L. 443, No. 73), entitled "An act providing for the publication of ordinances and resolutions of a legislative character of incorporated towns," further permitting advertisement of the title and summarization in lieu of the entire text of any proposed ordinance.

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

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

YEAS—36

Ammerman,	Hankins,	Messinger,	Romanelli,
Arlene,	Hill,	Murphy,	Ross,
Cianfrani,	Hobbs,	Murray,	Scanlon,

Coppersmith, Duffield, Dwyer, Ewing, Fleming, Frame,	Kelley, Kury, Lewis, Lynch, McKinney, Mellow,	Myers, Nolan, Noszka, O'Pake, Orlando, Reibman,	Smith, Stapleton, Stauffer, Sweeney, Wood, Zemprelli,
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NAYS—14

Andrews, Bell, Dougherty, Early,	Hager, Hess, Holl, Howard,	Jubelirer, Lentz, Manbeck,	Moore, Snyder, Tilghman,
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Clerk inform the House of Representatives accordingly.

HB 2002 CALLED UP OUT OF ORDER

HB 2002 (Pr. No. 3319)—Without objection, the bill was called up out of order, from page 14 of the Third Consideration Calendar, by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2002 (Pr. No. 3319)—Considered the third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

Senator BELL. Mr. President, as I recall it was about four years ago when the Compensation Commission brought in its report. During the past four years there has been an inflation of perhaps twenty-five to thirty per cent. That means that the economic value of today's wage of a Legislator has been cut twenty-five to thirty per cent over what the last Compensation Commission reported.

Mr. President, after the report came in, the bill passed to abolish the Compensation Commission. At that time I voted against the abolishment because I feel that we, the Legislature, should not set our own salaries. Regardless of the criticism of it by newspaper editors, I feel that the Compensation Commission is a proper approach and I will vote "yes."

And the question recurring,
Shall the bill pass finally?

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

YEAS—27

Arlene, Bel' Clanfrani, Duffield, Fleming, Hager, Hankins,	Hill, Hobbs, Holl, Kelley, Lewis, Lynch, McKinney,	Mellow, Murphy, Murray, Nolan, Noszka, Romanelli, Ross,	Scanlon, Smith, Stauffer, Sweeney, Wood, Zemprelli,
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NAYS—23

Ammerman, Andrews, Coppersmith, Dougherty, Dwyer, Early,	Ewing Frame, Hess, Howard, Jubelirer, Kury,	Lentz, Manbeck, Messinger, Moore, Myers, O'Pake,	Orlando, Reibman, Snyder, Stapleton, Tilghman,
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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 with amendments in which the concurrence of the House is requested.

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 567

HB 567 (Pr. No. 3403)—Senator NOLAN. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 567, and 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.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILLS OVER IN ORDER

SB 159, 493, 954 and 1268—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

FINAL PASSAGE CALENDAR

BILL DEFEATED ON FINAL PASSAGE

SB 1222 (Pr. No. 1968)—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—23

Ammerman, Arlene, Bell, Coppersmith, Dougherty, Hankins,	Hill, Holl, Kury, Lewis, Lynch, McKinney,	Mellow, Messinger, Murray, Nolan, Noszka, O'Pake,	Orlando, Smith, Stapleton, Sweeney, Zemprelli,
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NAYS—26

Andrews, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hager, Hess, Hobbs, Howard, Jubelirer, Kelley, Lentz,	Manbeck, Moore, Murphy, Myers, Reibman, Romanelli,	Ross, Scanlon, Snyder, Stauffer, Tilghman, Wood,
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Less than a majority of all the Senators having voted "aye," the question was determined in the negative.

BILL OVER IN ORDER

HB 1883—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 856—Without objection, the bill was passed over in its order at the request of Senator NOLAN.

PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1557 (Pr. No. 1957)—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,	Hankins,	Manbeck,	Reibman,
Andrews,	Hess,	McKinney,	Romanelli,
Arlene,	Hill,	Mellow,	Ross,
Bell,	Hobbs,	Messinger,	Scanlon,
Coppersmith,	Holl,	Moore,	Smith,
Dougherty,	Howard,	Murphy,	Snyder,
Duffield,	Jubelirer,	Murray,	Stapleton,
Dwyer,	Kelley,	Myers,	Stauffer,
Early,	Kury,	Nolan,	Sweeney,
Ewing,	Lentz,	Noszka,	Tilghman,
Fleming,	Lewis,	O'Pake,	Wood,
Frame,	Lynch,	Orlando,	Zemprelli,
Hager,			

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 1601 (Pr. No. 3508)—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,	Manbeck,	Reibman,
Andrews,	Hankins,	McKinney,	Romanelli,
Arlene,	Hess,	Mellow,	Ross,
Bell,	Hill,	Messinger,	Scanlon,
Cianfrani,	Hobbs,	Moore,	Smith,
Coppersmith,	Holl,	Murphy,	Snyder,
Dougherty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelirer,	Myers,	Stauffer,
Dwyer,	Kury,	Nolan,	Sweeney,
Early,	Lentz,	Noszka,	Tilghman,
Ewing,	Lewis,	O'Pake,	Wood,
Fleming,	Lynch,	Orlando,	Zemprelli,
Frame,			

NAYS—1

Kelley,

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 with amendments in which concurrence of the House is requested.

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 2458 (Pr. No. 3454)—Considered the third time,

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

AMENDMENTS OFFERED

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

Amend Sec. 2, page 2, by removing the colon after "POINT" and inserting a period

Amend Sec. 2, page 2, lines 5 through 7, by striking out "PROVIDED, THAT THE ABOVE CONDITIONS" in line 5, all of lines 6 and 7, and inserting:

(3) Provided that the above conditions are contingent upon the total transportation costs, availability of facilities, frequency of shipments, and conditions of delivery of Pennsylvania's ports being competitive, and providing further that these conditions do not apply to any such items transported pursuant to agreements in effect on the effective date of this act.

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

Senator COPPERSMITH. Mr. President, these amendments supplement Section 2 on page 2 of the bill to provide that the conditions that the tools and special machinery which are required to use a Pennsylvania port will only have that requirement in the event that the conditions are contingent upon total transportation costs, availability of facilities, frequency of shipment and condition of delivery of Pennsylvania ports being competitive, and providing further that these conditions do not apply to any such items transported pursuant to agreements in effect on the effective date of the act.

In effect, what they say is that Pennsylvania ports must be used if the total transportation costs, including inland transportation, are competitive with ports in any other state. This is to prevent an unfair burden being placed on shipments to the proposed Volkswagen plant at New Stanton.

Senator TILGHMAN. Mr. President, I would appreciate a little latitude in discussing these amendments, because I believe that these amendments will lead into an amendment for another one of the Volkswagen bills on the Calendar a little later on this afternoon, namely, House Bill No. 2457.

This is the first chance we have had to discuss the Volkswagen package of bills which we will get into at some considerable length at a later date. House Bill No. 2458 being amended today is a bill appropriating \$10 million to PIDA in order that they could make the \$40 million loan. We will get into the substance of the bill later on.

However, the House amended this bill and I will read part of the amendment they put in. "The foreign manufacturer shall use a Pennsylvania port for the distribution point for all assembled motor vehicles. . ." This might be true if the vehicles were assembled in New Stanton and, let us say, shipped to Brazil. They would have to use the Port of Philadelphia, and they also ". . . shall use a Pennsylvania port as a receiving point; Provided, that the above conditions are contingent upon the Pennsylvania port's ocean freight rates being competitive."

So, the House said, if this is going to end up in Pennsylvania—and that is problematical, we do not know yet what the whole story is—we, at least, hope that these goods will—when they used the word "shall" use the Port of Philadelphia, it makes sense to me. If we are going to give a lot of State taxpayers' money away as an inducement to get Volkswagen into Pennsylvania, then, certainly, we should try to get that trade through the Port of Philadelphia. That is what the House in their wisdom decided.

I believe later on today we will have an amendment offered to the Volkswagen bill which will, in effect, open up the Port of Norfolk for the importation and the exporting of goods from the Volkswagen plant. We will see this coming down the line. We did not discuss this

in our caucus because we did not know the amendments were going to be run, and I think the caucus on the other side of the aisle is probably aware of that.

These amendments really lay the groundwork, I think, and I would be happy to be corrected, for the next amendment which could open up the Port of Norfolk and, indeed, allows the State to build a rail spur for the Baltimore and Ohio and the Norfolk and Western. These amendments say, ". . . provided that the above conditions are contingent upon the local transportation costs." The House amendments only said that Philadelphia should be used if the ocean freight rates were competitive, and I believe they are pretty competitive throughout all those companies doing ocean freight. But, we are talking about total transportation costs now, availability of facilities, frequency of shipments, conditions of delivery upon Pennsylvania ports being competitive and providing further that these conditions do not apply to any such items transported pursuant to agreements in effect on the effective date of this act.

What we are really doing is saying that the Philadelphia port will not necessarily be used unless all the total transportation costs are competitive. I do not know whether they are all totally competitive. The transportation costs, maybe, coming from Norfolk and up through Virginia might be cheaper.

I have some great reservations. I sent to each Senator a memo on some of the things we are trying to find out about this total Volkswagen package of bills. However, I do think this: that if this facility ends up in Pennsylvania, there is no question in my mind that we should do every conceivable thing we can to favor the Port of Philadelphia, the men working there, the longshoremen working at the port and the multitude of freight coming into and going out of that port. There would be a great deal more freight coming into the port as this is not, per se, a manufacturing plant that is going into New Stanton, it is an assembly plant. The parts will be coming in from Europe to be assembled over here as I understand it.

Mr. President, I think that the introduction and the acceptance of these amendments will make it easier for the trade to be lost to another state. For this reason I oppose the amendments. I hope that my colleagues will try to help us by favoring the Port of Philadelphia and also oppose the amendments.

Senator SMITH. Mr. President, I would like to take just a moment to fill in a little background on Volkswagen. About three years ago, Volkswagen came into Philadelphia looking for forty acres, and we made the land available to them. They also went to Wilmington, Delaware. They chose Wilmington, Delaware, not because the land was better or the port facilities were any better, but Wilmington, Delaware, made a concession to Volkswagen. They gave them relief from the gross tax.

Volkswagen, you know, is a little bit more clever than we are. They are going to use Wilmington, Delaware, where they are out from under the gross receipts tax. If they come into Philadelphia, they are subject to the gross receipts tax. Nobody is kidding me on this. Volkswagen is not a virgin in this thing. They know exactly what is going on, they know where the taxes lie and they are going to get out from taxes. That is all, nothing else. They can come into Philadelphia very readily, but if we let Wilmington, Delaware, or Delaware itself, give them relief from taxes, we give them relief from taxes, they

become noncompetitive. They do not compete with any of our corporations. We give our corporations the right to pay taxes. I say make Volkswagen pay.

I am for 5,000 jobs in New Stanton, but why should Wilmington, Delaware, give them relief; we give them relief and they become noncompetitive. They are not that pure. They have been around, and they know what is going on and so does the Governor's office. I say they come into Philadelphia subject to the gross receipts tax of Philadelphia like any other corporation.

Senator HOWARD. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Copper-smith.

The PRESIDENT. Will the gentleman from Cambria, Senator Coppersmith, permit himself to be interrogated?

Senator COPPERSMITH. I will, Mr. President.

Senator HOWARD. Mr. President, I think all of us are trying to digest the scope of the Volkswagen deal. It was reported to me by about four persons last week that Volkswagen had laid down as one of the conditions for its agreement to build at New Stanton that it would continue to use, I heard, the Port of Baltimore, which presently is its shipping point. They desired to ship over Baltimore and that necessitated the change of the rail arrangements at New Stanton.

First, Mr. President, may I ask, is that substantially correct?

Senator COPPERSMITH. Mr. President, I cannot answer that. I am prepared to answer questions on these amendments and we are discussing the amendments which are rather narrow, and as far as the basic concept of the Volkswagen deal, I cannot speak authoritatively.

Senator HOWARD. Then, Mr. President, to the amendments specifically: Is the genesis of the gentleman's amendments the result of a dictum from Volkswagen that says it must have these amendments in the package before it is acceptable to that corporation?

Senator COPPERSMITH. Mr. President, it is my understanding that the amendments were requested by the Governor's office and the amendments would make House Bill No. 2458 acceptable to Volkswagen.

Senator HOWARD. On that basis, Mr. President, I certainly would urge their rejection for the time being until all of the package can be considered, because it seems a mighty price that we are paying. At this point we lose the very few benefits that are left in the package, including more business for Philadelphia; I see little else in the package that is worth the incredible expense the State is going to at this point.

Senator DUFFIELD. Mr. President, coming from an area that is only four miles from the Volkswagen plant, or the proposed Volkswagen plant, we are vitally interested in it. The previous gentleman said that he cannot see the advantages in this. In a district that has one of the highest unemployment rates in the nation—it is considered Appalachia—western Pennsylvania desperately needs this plant.

Mr. President, I had amendments ready to submit that would take all other reference to any other ports, or anything, out of it and I am worried about the amendments of the gentleman from Cambria, Senator Coppersmith, to this extent: I would like to be satisfied that this is agreeable to Volkswagen and the Governor. The Governor is to be commended for his great efforts to bring this plant to an area that has been neglected for so many years,

and to tie it down and to refuse the employment of 5,000 people over an argument as to which port it is coming in, I think is utterly ridiculous.

Mr. President, we need industry in Pennsylvania, whether it is out in a God-forsaken country like this place is supposed to be or whether it is in the bubbling metropolis of Philadelphia. We need industry, and I think it is rather narrow to milk so much out of this matter that Volkswagen will just say, "Well to heck with Pennsylvania, we are going to go to Ohio or some other place."

Mr. President, the bill was originally introduced upon certain discussions allegedly made between the Governor and Volkswagen. It was sponsored by Representative James Manderino in the House. But, unfortunately, in order to help this area of high unemployment, this Appalachia area, we have to make concessions to other parts of the State in order to get it passed.

Mr. President, when we appropriate \$6 million to SEPTA, we do not insist that when they buy new buses, the steel has to come from Pittsburgh. It would be just as logical. We are talking about a large sum of money there.

Mr. President, I hate to see the future prosperity of southwestern Pennsylvania set back. We are not as big as Philadelphia, we do not have the votes that Philadelphia has, we know that, but we would hate to see the very future of southwestern Pennsylvania be put back further and no plant can come in there because of the haggling over whether Philadelphia gets a little bit of the gravy train or not.

This is a very vital concern for southwestern Pennsylvania and we should not do anything here that will upset it. Of course Volkswagen is a business outfit, of course they are looking for the best deal and, as the Governor said, there were forty-eight states vying for this plant; and it was narrowed down to five and then to two. Then why rape the bill? Why tell these business people of Volkswagen we will add restriction after restriction, because there are so many other people vying for this. Volkswagen people are shrewd businessmen, so what? But I do know this: It will be a boon for southwestern Pennsylvania. It will take many people off the welfare rolls; in a given area that is in the top percentage in the State on welfare and unemployment, it will give people a chance to earn a decent living and there are a lot of other things that can be said about whether we are going to favor certain industries or not. By God, we need this industry in southwestern Pennsylvania, we need to put people to work back there. If we are going to snag the whole deal over worrying about what ports we are going to use, it is going to cause a considerable amount of suffering and retard our growth in southwestern Pennsylvania from now on and in the future.

Senator BELL. Mr. President, now that the issue is joined we know what the amendments do, namely: Rip out of the bill which passed the House the requirement that Volkswagen will use a Pennsylvania port as a receiving point provided that the above conditions are contingent upon the Pennsylvania ports ocean freight rates being competitive. What the amendments of the gentleman from Cambria, Senator Coppersmith, sent to him by the Governor, do will permit Volkswagen to bring goods into this country through any port.

Mr. President, as far as the reference of the gentle-

man from Fayette, Senator Duffield, to that part of his neighborhood as being God-forsaken, every time I have been out there, I have always felt it was God's country because it is a beautiful part of the State. As far as unemployment, I challenge the gentleman from Fayette, Senator Duffield, to come to Philadelphia or come to the City of Chester and match unemployment with what we have in the Delaware Valley, in the inner cities.

Mr. President, in the City of Chester we have, with the black Vietnam veterans, almost thirty-three per cent unemployment and I gather the same is true in the City of Philadelphia, in the inner city.

Now, Mr. President, I am trying to scratch the grey hair on this head of mine to figure what would make Baltimore more desirable to Volkswagen than Philadelphia. I seem to recall that the ICC in the past permitted freight rates, railroad freight rates, to the Port of Baltimore to be less than those to the Port of Philadelphia. As a result, the Port of Baltimore was able to ship a lot of western grain that we were not able to ship from Philadelphia. This is not just the Port of Philadelphia that is protected by this bill, the port of Erie is in here because it says Pennsylvania ports and, therefore, I support my friend from the City of Philadelphia and say let the bill stay as it is.

Senator ZEMPRELLI. Mr. President, I happen to live within proximity of New Stanton. Although it is not in my District, I am very familiar with it. We as a community of people were extremely elated when the Chrysler Corporation elected to assemble a plant there that was to be an addition to the economy of that area. Subsequent loss of sales, and because of matters inherent with that debarkment of Chrysler at a time when the sale of motor vehicles was receding, they elected not to proceed to refurbish the plant and go into assembly, so that this plant now sits there as a potential and the potential is before us as a total realization.

However, the very pragmatic part of everything that we are talking about here is a total realization of cost as compared to benefits. If we are going to compare apples with apples, peaches with peaches and pears with pears, there is one expression which I think means more than anything else. That is, that if it is going to be in terms of productivity to the Commonwealth of Pennsylvania—call it pump priming if you will, call it a return on investment—then the New Stanton situation is atypical of the type of thing that we should be doing.

On the other side of the coin, the type of thing which we do because of the humanities and because of our responsibility to constitutionality and education in recognizing the needs of the Commonwealth of Pennsylvania as against the provincialism of making an appropriation, is, as we sit here time after time making block grants to the City of Philadelphia for school appropriations, recognizing that need of \$20 million. When you analyze the pear with the pear and you say \$20 million to New Stanton for a highway, a permanent improvement, not something which is not going to be used, not something which would not be related to this construction or be of benefit to this Commonwealth and an additional \$9.6 million for the extension of a railway spur from Mount Pleasant to this plant area, another capital improvement, recognizing that it is also a capital expenditure, a \$100 million financial commitment which means nothing more than what I have said, one that anticipates the return of that money, done every day by banking institutions, done every day by us

in one form or another in the \$6 billion or \$8 billion that we appropriate here. \$40 million by way of PIDA funds which anticipates by its very nature a revolution of that fund on a twenty year period, assuming we are picking up a debt service, but the benefits are so tremendous and so outstanding and potentially so great that if we were to analyze this situation independent of its geography, there could only be one answer. It is worth the chance. It is worth the benefit to the Commonwealth.

The one sad thing that I wish I were able to relate here as I stand for this particular project is what the anticipation is on immediate jobs, the spin-offs of jobs in the future, the potential of related and companion industries to come into Pennsylvania as opposed to a provincial geography, the fact that even some of that money will get to the Philadelphia School District. Yes, believe it, it will get to the Philadelphia School District, because they also will be paying the kind of sales taxes and the kind of taxes into the General Fund that precipitate their way down to Philadelphia.

I would venture to say that in an amortization period of less than ten years, that this project will not have only refunded its capitalization, but will have also been a credit. There is no telling beyond the conservative approach of what all the additional residual benefits may be if the economy of the Commonwealth picks up by way of specialized labor, by way of even potentially becoming the major industrial area for automotives. I do not see that beyond division of this move. I see it as a realistic potential upon the horizon.

Mr. President, I would say to those who would oppose this that you are being extremely short-sighted and also being oblivious of what one of the major responsibilities is of this particular Body, and that is to create an atmosphere for jobs because, when you talk about it after all is said and done, jobs is the name of the game.

Senator FRAME. Mr. President, the Members of this Senate should know that the Republican Senators gave the very highest priority to the careful consideration of this package of bills in an effort to approach them in a very constructive way. We had scheduled, therefore, an open public caucus for this afternoon to which we had invited and made arrangements with members of the Governor's staff, members of the Executive Branch of government, who purport to have some detailed knowledge and expertise as to these negotiations, to meet with us and to explore every facet of the package. As I have indicated, we gave that our highest priority for this week and so scheduled it for this afternoon.

In mid-late morning representatives of the Governor contacted us and asked if we would be willing to postpone that meeting until tomorrow because of other demands upon that staff's time for today. We did agree to that. It was certainly with the understanding in my mind at least, and I agreed to it, that we would not be considering the package or amendments today and would not be considering amendments to these bills until we had the time to have a frank exchange of the contents thereof.

Therefore, for that reason and at the request of the Governor's office, our caucus and the Members thereof have not seen these amendments, have not had the opportunity to consider them or any other portion of the so-called Volkswagen package. It is, therefore, my own opinion, rather inappropriate that the Senate should be acting upon these matters today.

Senator KELLEY. Mr. President, I happen to represent the District that is involved in the Volkswagen site and I have, like most of my colleagues, listened to the dialogue concerning the amendments before us. I think the amendments are very worthy. I would only like to invite the distinguished Minority Leader and his colleagues on that side of the aisle, relying on his first remark, to the fact that the greatest priority was given to the time sequence of this matter, and that it would be most appropriate, therefore, for the Senate, in its parliamentary wisdom to adopt the amendments and tomorrow, after both caucuses have had the opportunity to have the input of the executive representatives, if, at that time, the wisdom and combined judgment of this Body is to not have had the amendments, we could easily revert to the prior printer's number and still be able to meet the deadline for tomorrow.

Mr. President, I would, therefore, like to invite the distinguished Minority Leader and his colleagues, as well as my colleagues on this side of the aisle to consider that that would be the most prudent parliamentary procedure we could follow and, therefore, I would like to invite them to do so.

Senator EWING. Mr. President, as the gentleman from Venango, Senator Frame, has pointed out, we have not had an opportunity to review these amendments, although it has been customary for us to exchange amendments with the other side prior to their consideration on the floor. As the gentleman has pointed out, we do have a meeting scheduled tomorrow and I think at that time we would be in a position to vote more intelligently on the amendments. As a matter of fact, it is possible that the amendments might have more support tomorrow, after we have the opportunity to have some of the questions, which many of us have, answered by those who have been much closer to the negotiating with the Volkswagen people.

Mr. President, I would therefore ask the gentleman from Cambria, Senator Coppersmith, if he might withdraw his amendments and offer them tomorrow.

Senator COPPERSMITH. Mr. President, I think the recommendation of the gentleman from Westmoreland is a very good one. If we adopt these amendments today, then tomorrow we have the option to pass the bill either in the amended form or in the form it is in today. Therefore, I do not think I should withdraw the proposed amendments. Mr. President, I would like to make a few other comments in regard to the matters that have been raised on this floor.

Mr. President, for years I have been in this Chamber listening to discussions, praising bills that expanded the power of PIDA to make loans to nonmanufacturing industries, that allowed the creation of public authorities to finance the commercial enterprises, motels and the like. We have always, in that trend, allowed the governmental credit, the exemption from interest, to be used for an ever expanding array of businesses and nonmanufacturing enterprises. But, lo and behold, today I listened to certain advocates of free enterprise. I had always assumed them to be very strong advocates of free enterprise supporting a proviso that, in effect, mandates a particular use of the port in this State, regardless of the cost, regardless of the competitive position, with the only condition being that the port's ocean freight rates be competitive. There is nothing about the rates from the port to the

New Stanton site. They could be double the competitive rate but Volkswagen would still be stuck.

Mr. President, do you think that Volkswagen will come to Pennsylvania and expend the vast sum of money they are talking about investing in this plant if they are going to be locked into an uneconomic mode of transportation? I have listened for many years to Members in this Chamber arguing to ease restraints on different types of transportation, that we cannot mandate uneconomic methods and uneconomic conditions. I call upon the advocates of free enterprise to reconsider their position, not to say to Volkswagen, regardless of the cost of transportation, you must use the Port of Philadelphia. The Port of Philadelphia is getting adequate protection. All things being equal, the Port of Philadelphia must be used. That, I think, is protection for the Port of Philadelphia. I might also say to the gentlemen from Philadelphia that the gross receipts tax is not included in the cost of determining whether or not Philadelphia is competitive or not.

Therefore, Mr. President, I ask the Members of this Chamber to adopt these amendments because if, after hearing the presentation tomorrow, they decide they want to go with the original version, we have a convenient parliamentary maneuver to effect consideration of the bill as it is in the form today; if they decide to accept these amendments, they have also the bill to pass tomorrow and, further, how many Members of this Body would want to say, by insisting on these amendments, we should give up the Volkswagen plant in New Stanton? For too long we have imposed what I think are ridiculous conditions on bills that are to benefit one area or the other. As you know, we live in a big Commonwealth of twelve million people. Every bill that is passed cannot benefit every area and the bill that is before this Chamber is to give help that is so desperately needed for southwestern Pennsylvania, an area of very slow economic development, an area very high in unemployment, an area that has really been in the backwater as far as development of the State is concerned, and if we are going to tack on conditions so that every special interest is taken care of, we will never get help.

Mr. President, I am asking people who have paraded themselves as advocates of free enterprise, who have said that they are for the development of this Commonwealth, who have supported bills to allow the State's aid in the financing of motels, of retail centers, what have you, as long as it is commercial, the State can be involved. Now we have heavy industry, with 5,000 primary jobs and, it has been estimated, up to 25,000 support jobs, and all of a sudden we are insisting that we mandate uneconomic conditions to take care of special interests. If the rates are too high from the Port of Philadelphia, I would like to know why Volkswagen should pay that subsidy. If the rates are competitive, then we protect Philadelphia. But why should we demand a subsidy from Volkswagen as far as transportation rates are concerned when that erodes the benefits that have been given in the proposals we have here as far as financing is concerned? You know and I know that Volkswagen is coming to Pennsylvania because they think Pennsylvania is a good manufacturing site and they have a good economic package. If you start eroding that economic package and make it a burden instead of a help, then you are going to lose it. For that reason, I ask the Members to adopt these amendments, Mr. President.

POINT OF ORDER

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

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

Senator HOLL. Mr. President, are we discussing the amendments specifically now, or are we discussing the bills and the overall picture?

The PRESIDENT. The Senate has before it the amendments introduced by Senator Coppersmith, Senator Holl.

Senator HOLL. Mr. President, what is your ruling on my point of order?

The PRESIDENT. My ruling is that so far everyone has been out of bounds and I do not want to pick out anyone special, Senator Holl. You are the only one in bounds so far, Senator.

Senator HOLL. Mr. President, from this point forward will you rule that we restrain ourselves and discuss the amendments.

The PRESIDENT. Give me about two minutes latitude, Senator, while I let Senator Howard go out of bounds in his response to Senator Coppersmith.

Senator HOWARD. Mr. President, I think because the gentleman from Cambria, Senator Coppersmith, was looking my way that I may have been one of those advocates of free enterprise. Unless my remarks be misunderstood, I strongly think that we should consider the very serious and responsible questions that the gentleman is raising.

My concern is that I do not think we can consider them piecemeal. I think there are so many aspects to the package we are talking about that are unique and unusual that I do not think it is fair to try to judge today the merit of the subsidy, as the gentleman from Cambria, Senator Coppersmith, likes to characterize it, that Volkswagen would be paying in shipping over Philadelphia when, for example, we are making a very unusual concession to them in that the only loan which PIDA has made, they do not have to repay any of the principal for twenty years. They may even forego an additional ten years beyond that at their own option.

Certainly those kinds of concessions are very unique, understandably because of the size of the matter which is before us. I do not think we can reasonably judge the merit of the package piecemeal, and for that reason I think we should forego the adoption of this right now until we are able to judge it against the other expenses to the Commonwealth and to the taxpayers of the Commonwealth which this package represents.

I am as enthusiastic about bringing jobs to southwestern Pennsylvania as the gentleman from Fayette, Senator Duffield, the gentleman from Cambria, Senator Coppersmith, and the gentleman from Westmoreland, Senator Kelley. However, I think, too, that we have responsibility in this Chamber to make sure that if we can get 10,000 jobs for the cost involved here, that we put the taxpayers' money to work in that direction.

I think what the gentleman from Philadelphia, Senator Smith, is saying and what a number of us are concerned about is that since we are making an enormous commitment of public assets to this deal, that we want to make sure that those assets purchase the taxpayers as much relief in terms of gainful employment as we possibly can. I simply do not think that that matter—the size of it is enormous—can be dealt with on a piecemeal basis.

For that reason, Mr. President, I would urge that this

matter go over in its order until we consider the whole package tomorrow.

Senator BELL. Mr. President, one of the gentlemen in support of these amendments says adopt these amendments and if they are wrong, we can go to the prior printer's number. I wonder if that gentleman knows whether there is a prior printer's number? Printer's No. 3453 did not contain the restriction as to ports, therefore, I do not think we should adopt amendments just so we can have a prior printer's number.

As far as my friend, the gentleman from Cambria, Senator Coppersmith, I do not like to be called names and have inferences thrown at myself and the Senators from Philadelphia County and maybe the Senator from Cumberland County or Dauphin County, because we want to provide jobs for the former Penn Central Railroad, and because we want to have jobs in the Philadelphia port. I think all of us are interested in jobs for all of Pennsylvania, and if by chance we happen to have some of them come into our own backyard, more power to us.

Senator JUBELIRER. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Coppersmith.

The PRESIDENT. Will the gentleman from Cambria, Senator Coppersmith, permit himself to be interrogated?

Senator COPPERSMITH. I will, Mr. President.

Senator JUBELIRER. Mr. President, will the failure of these amendments to pass jeopardize the Volkswagen package as presented by the administration to the Volkswagen officials in any way?

Senator COPPERSMITH. Mr. President, I cannot answer that. All I can relate to the gentleman from Blair, Senator Jubelirer, is that I was informed that these amendments would make House Bill No. 2458 acceptable to the Volkswagen people, but I cannot say if this will cause the deal to fall.

Senator JUBELIRER. Mr. President, will the gentleman advise us from whom he is getting his information?

Senator COPPERSMITH. Mr. President, it came hearsay through Mr. Muench who talked to Mr. Cosey.

Senator JUBELIRER. Mr. President, I think that is the problem which I face today. I am not sure exactly what the answers are to this particular situation. As I came on the floor, I was not prepared in any way or shape whatsoever to discuss these particular amendments. We were not advised of them. I have been preparing for several weeks to interrogate those who have knowledge of the particular situation and, as I understand, I am to have that opportunity tomorrow.

I find it most difficult to cast a vote "yes" or "no" in a matter on which I do not have at least some intelligent information. By receiving the information from the gentleman from Cambria, Senator Coppersmith, from hearsay information, from somebody he got it from, who got it from somebody else, I think it is a hardship on all of us. I would hope that, perhaps, he might reconsider and give us, who have not had the opportunity to interrogate those who have information, the same opportunity that those who have had that interrogation and have the answers before them. I would think that this would present a better situation where we can air the entire package, the Volkswagen package as it has been referred to, rather than having us act out of ignorance.

Senator ANDREWS. Mr. President, I would like to echo the thoughts of some of my colleagues as they have

been expressed here. During the course of this debate I have not had time to study or discuss the Volkswagen package. I have listened to the reading of the amendments of the gentleman from Cambria, Senator Coppersmith, and they certainly sound like good amendments to me. They are reasonable, are in the interest of the American free enterprise system, and I am inclined to vote for them. Unfortunately, I do not feel that I will be inclined to vote for them this afternoon.

We have a series of bills. We have a number of issues with which we are going to have to deal, and I would like to have knowledge of all aspects of this particular situation before I feel prepared to vote for any of them. I do not know what the Commonwealth is embarking on as far as costs are concerned, as far as expenditures, as far as tax relief, as far as transportation, as far as energy and many of these other things. I think on another date, perhaps tomorrow, I would vote for the amendments of the gentleman from Cambria, Senator Coppersmith.

However, for the reasons which I have just stated, I do not feel that I will be able to support the amendments today.

Senator DUFFIELD. Mr. President, as strongly as I feel that we should expedite this plant in all due diligence, I somehow am inclined to agree with the comments on the other side of the aisle. Although I will vote for the amendments, I am not satisfied that if we do vote for these amendments the bill is agreeable to the Governor and to Volkswagen in part of their agreements.

I came down here very early this morning with a certain amount of pressure from the County Commissioners of Fayette County. They were very concerned that we might lose Volkswagen if the bill stayed as it was. Volkswagen did not agree to the provisions relating to the other Pennsylvania ports. Therefore, at 9:30 I wanted to know if an amendment would be agreeable to cut out those provisions. I called the Governor's office and I asked for Mr. Brown. He was in New York.

Now, of all days—the Governor's office has done a tremendous job in the groundwork, in visiting Germany. The Governor particularly is to be highly recommended. However, they apparently take the Legislature for granted. Here is the most crucial day of the whole deal and you cannot get anybody on the phone to ask any questions about it. We are trying to get Volkswagen here, and what worries me about any amendments to these bills is whether they be acceptable. Or, if we adopt one of these amendments, will the whole picture blow up and will they go to Ohio?

We built this up perfectly. Volkswagen has sort of agreed, almost ninety per cent maybe, to come in here. Then on the last day when these crucial matters are coming up, there is nobody here. As the gentleman from Cambria, Senator Coppersmith, states, an aide had the amendments in the caucus and told us he thought it came from the Governor's office, but he was not able to tell us whether or not the Governor's office approved those amendments.

However, time is of the essence. Every day is one day lost. In response to the argument of the gentleman from Delaware, Senator Bell, granted they have high unemployment there, they need jobs there too, but to do anything to this bill that would scuttle Volkswagen coming into Pennsylvania and call the deal off would not help their section any. It would hurt them too. So, we have

to be very careful on this. Therefore, Mr. President, I think each day means quite a bit here. I would like to have some answers tomorrow from the Governor's office, but I am willing to vote for these amendments and then if it looks tomorrow as if these amendments are not part of the agreement, that Volkswagen will not come here unless these amendments are passed, then we can revise the bill tomorrow. But each day is important.

I think we are talking about trivia here. We can easily correct anything we vote on today. Therefore, I ask that we do go ahead and vote the amendments today and then, hopefully, get some cooperation from the Executive Office tomorrow.

Senator NOLAN. Mr. President, it has been stated on the floor here this afternoon that Members on the other side had no knowledge of this package of bills pertaining to the Volkswagen plant. It has also been stated by the Minority Leader that they had lined up for their caucus today those that could answer questions pertaining to this package of bills. It was also stated that they did not see these amendments. These amendments were delivered to their counsel before their caucus and I would like to believe that the reason that no one saw those amendments was because the person, or persons, that were to appear before their caucus and discuss this package of bills, informed their leadership they would not be available and they decided not to take up the question of the amendments to these bills. But, these amendments were delivered to their counsel.

Mr. President, as to where these amendments came from, the Governor's office last week had the people from the Volkswagen plant in Germany here in Harrisburg; from Harrisburg they went to New Stanton to look over this plant and, it is my understanding that after the people in charge of this arrived here, they were presented with the package of bills as passed by the House, and they could not agree, at this time, with some of the points that are in the bill. So those in the Governor's office are the ones that are submitting to us the amendments that are being offered by the gentleman from Cambria, Senator Coppersmith, today. The gentleman from Cambria, Senator Coppersmith, and the gentleman from Westmoreland, Senator Kelley, represent the largest portion in the area that is going to be affected by the establishment of this plant in New Stanton. So when the remarks are made on this floor that there has been no consideration in their caucus of these bills, I informed their leadership prior to their caucus that they were going to be considered and there were going to be amendments offered. So they were not in the dark when they came on this floor.

Mr. President, I urge those on the floor at this time to support the amendments simply because the Governor's office states that they must have these amendments to make them more acceptable to the management people from the Volkswagen plant.

Senator HOLL. Mr. President, I desire to interrogate the gentleman from Cambria, Senator Coppersmith.

The PRESIDENT. Will the gentleman from Cambria, Senator Coppersmith, permit himself to be interrogated?

Senator COPPERSMITH. I will, Mr. President.

Senator HOLL. Mr. President, in view of the fact that we have not analyzed these amendments in our caucus, I am wondering if the gentleman from Cambria, Senator Coppersmith, can tell this Body what we are talking

about in dollars and cents in potential losses to the Port of Philadelphia, if these amendments are adopted?

Senator COPPERSMITH. Unfortunately, Mr. President, since Senator McGlinchey left this Body I have no knowledge of the financial affairs of the Port of Philadelphia and I cannot answer the question.

Senator HOLL. Mr. President, does the gentleman have any information on the financial impact of these amendments?

Senator COPPERSMITH. Mr. President, the financial impact depends upon how competitive the Port of Philadelphia and the transportation costs from Philadelphia to New Stanton are with other ports, and I cannot answer that.

Senator HOLL. I suppose the answer is, Mr. President, he cannot answer it. I intended to vote for the amendments because I wanted to do what I could do to encourage this proposition. But, with the lack of information and no one having it here, unless someone does, I can only vote "no."

Senator NOLAN. Mr. President, it was also stated on this floor that those that are familiar with the terms of the agreement reached between the management of Volkswagen and the State government and the Governor's office were not available today for questioning.

I might say, Mr. President, as pointed out, they are in New York meeting, at this time, with the chief financial agent of the Volkswagen plant in reference to this package of bills. The controversy, as I have seen it today, will probably be repeated when these bills are brought to the floor for final passage. Therefore, at this time, I would ask the gentleman from Cambria, Senator Coppersmith, to withdraw the amendments until tomorrow.

AMENDMENTS WITHDRAWN

Senator COPPERSMITH. Mr. President, in line with the suggestion of the Majority Leader and the requests from other Members of this Body, I would like to withdraw these amendments and they will be offered tomorrow.

The PRESIDENT. Senator Coppersmith, without objection, withdraws his amendments.

REQUEST FOR BILL OVER IN ORDER

Senator COPPERSMITH. Mr. President, I request that the bill go over in its order.

Senator SMITH. Mr. President, I would ask to have the bill run and I request a roll call vote, please.

MOTION FOR BILL OVER IN ORDER

Senator NOLAN. Mr. President, I move that we go over House Bill No. 2458 in its order.

On the question,

Will the Senate agree to the motion?

Senator SMITH. Mr. President, I object to the bill going over in order and ask for a roll call vote.

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—43

Ammerman, Hager, Mellow, Romanelli,

Andrews, Bell, Coppersmith, Dougherty, Duffield, Dwyer, Early, Ewing, Fleming, Frame,	Hess, Hill, Hobbs, Holl, Howard, Jubelirer, Kelley, Kury, Lentz, Manbeck,	Messinger, Moore, Murphy, Murray, Myers, Nolan, Noszka, O'Pake, Orlando, Reibman,	Ross, Scanlon, Snyder, Stapleton, Stauffer, Sweeney, Tilghman, Wood, Zemprelli,
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NAYS—6

Arlene, Hankins,	Lewis, Lynch,	McKinney,	Smith,
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So the question was determined in the affirmative, and the motion was agreed to.

The PRESIDENT. House Bill No. 2458 will go over in its order.

NONPREFERRED APPROPRIATION BILLS
OVER IN ORDER

SB 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612 and 1613—Without objection, the bills were passed over in their order at the request of Senator NOLAN.

BILL ON THIRD CONSIDERATION AMENDED

HB 2 (Pr. No. 3226)—Considered the third time,

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

Amend Title, page 1, line 2 by inserting after "PENNSYLVANIA,": providing for six-year terms for Senators and four-year terms for Representatives

Amend Sec. 1, page 2, line 4 by striking out "SECTION" and inserting: sections three and

Amend Bill, page 2, by inserting between lines 5 and 6:

Section 3. Terms of Members.—Senators shall be elected for the term of [four] six years and Representatives for the term of [two] four years.

Amend Sec. 1 (Sec. 16), page 2, line 8 by striking out "TWENTY-ONE" and inserting: fifty

Amend Sec. 1 (Sec. 16), page 2, line 11 by inserting brackets before and after "EACH REPRESENTATIVE DISTRICT" and inserting immediately thereafter: it shall contain three representative districts which shall each elect

Amend Bill, page 2, by inserting after line 14:

SCHEDULE

The first elections after reapportionment of the Commonwealth under section seventeen to conform to the foregoing amendment shall be held in the year 1982. At the General Election in the year 1982, Representatives in even numbered districts shall be chosen to serve for two years and Representatives in odd numbered districts shall be chosen to serve for four years. Thereafter, all Representatives shall be chosen to serve for four years. At the General Election in 1982, sixteen Senators in even numbered districts shall be elected for four-year terms and nine Senators in even numbered districts shall be elected for six-year terms. Thereafter, all terms for even numbered districts shall be for six years. At the General Election in 1984, eight Senators from odd numbered districts shall be elected for four-year

terms and seventeen members from odd numbered districts shall be elected for six-year terms. Thereafter, all terms for odd numbered districts shall be for six years. On the day of the convening of the session of the Senate in January 1982, the members of the Senate shall draw lots to determine whether the term of office to which members will be elected in 1982 or 1984 shall be four years or six years.

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

Senator EWING. Mr. President, let me first point out that the amendments are the same as a bill which has been circulated for sponsorship, but not yet introduced, and cosponsored with me by the gentleman from Allegheny, Senator Zemprelli, the gentleman from Allegheny, Senator Nolan, the gentleman from Allegheny, Senator Scanlon, the gentleman from Chester, Senator Stauffer, the gentleman from Philadelphia, Senator Smith, the gentleman from Erie, Senator Orlando, and the gentleman from Bucks, Senator Howard.

We have passed legislation in this Senate, in three Sessions, to reduce both the size of the Senate and the House of Representatives, the Senate to forty Members and the House of Representatives to 121 Members. That legislation was also introduced by myself and the gentleman from Allegheny, Senator Nolan, the gentleman from Allegheny, Senator Scanlon, the gentleman from Allegheny, Senator Zemprelli, and the gentleman from Montgomery, Senator Holl, on February 4, 1975, and referred to the Committee on Rules. That bill, Senate Bill No. 66, still remains in the Committee on Rules.

The House of Representatives did not act on the bills which we have passed in our previous Sessions, and it has become apparent that the Senate is reluctant to act on that same legislation during the current Session. It is understandable that some Members of the Senate are reluctant to vote for a bill which will reduce our own numbers, particularly in sight of the tremendous Districts which some of my colleagues represent. For instance, the District of the gentleman from Venango, Senator Frame, I understand is over 5,000 square miles. There are others who represent very large Districts geographically: the gentleman from Northumberland, Senator Kury, the gentleman from Luzerne, Senator Wood, the gentleman from Clearfield, Senator Ammerman; the gentleman from Perry, Senator Moore, has a very large District. Some of these Districts are so large geographically that to get from one end to the other would be like driving from Pittsburgh to Erie.

The amendments which are before us at this time are a compromise and would put this bill, House Bill No. 2, in such a form that I believe it would have a chance of passing the House of Representatives if we can pass it, and I believe we can, in the Senate and pass it on to the House.

As a practical matter, Mr. President, I do not believe—and I think we must be realistic—House Bill No. 2 in its present form, even if it does go to the House, will never pass if it even sees the light of day in that Body.

The compromise amendments before us would retain the present size of the Senate at fifty Members, would reduce the size of the House of Representatives to 150. There would be three House Members or three Legislative Districts within each Senatorial District. Further, they would increase the terms of the Members of the

House from two years to four years and Members of the Senate from four years to six years. This I can certainly justify, particularly for the House of Representatives, because Members are no sooner elected and they are running for reelection. I think this is particularly significant when considering the cost of elections and campaigning these days.

I think these are good amendments, Mr. President. I think it is a practical approach, it is a compromise. I think it is a bill which could move through both Bodies. The effective date really would not be until after the census in 1980. Following that we would reapportion the Legislative Districts which we must do anyway. Therefore, the Members would run under these new amendments in 1982 for the first time, following reapportionment.

Also as a part of these amendments is a schedule. This became a little bit complex deciding who was going to run in 1982 and 1984 as far as the House was concerned, but a schedule is included as a part of these amendments.

Mr. President, I would ask the Members on both sides of the aisle to support these amendments to House Bill No. 2 and ask for a roll call vote.

Senator LENTZ. Mr. President, there was a time when I would have agreed with the amendments of the gentleman from Allegheny, Senator Ewing, but time changes all things and age brings us experience. I would at this time ask my opponents and colleagues to vote against the amendments for one simple reason and that is this: Since we have been encompassed with the one man one vote proposition in 1966, we have less and less Representatives and Members of the Senate from the rural areas. I am fearful, as are a lot of other people, that if we would further reduce the membership of the General Assembly, we would have more from the metropolitan areas and the people out in the rural areas, who pay more than their fair share of taxes because of the high cost of highway construction in metropolitan areas and the high cost of education in the metropolitan areas, would not quite have the representation they should have.

On this basis alone, I would oppose these amendments very strongly and ask my colleagues to oppose them for the reason that I think we are working well now, and we do have a good rural representation. I am most fearful we would lose this in the event that we did reduce the size of the Legislature.

Senator HILL. Mr. President, as a point of information I would like to point out to the Members of the Senate that actually there are only seven states in this country where a House Member represents more people than 55,000, which is the case here in Pennsylvania. Therefore, if you look at it on that basis, the House of Representatives here in the Commonwealth of Pennsylvania is not one of the places where you have too many Representatives for a given number of people, because there are only seven states where the number is more than 55,000.

As far as the Senate goes, I think there are only five states with more people than what we represent here in the Senate of Pennsylvania.

Senator EWING. Mr. President, I would point out to the gentleman from Dauphin, Senator Lentz, that my amendments would increase the size of the House of Representatives over that number which is in House Bill No. 2. House Bill No. 2 calls for 121 Members. The

amendments which I have offered call for 150 Members in the House of Representatives. I do not think it would really increase the Districts that greatly in size that the membership could not efficiently, with modern means of communication and transportation, serve those Districts very adequately.

Senator HAGER. Mr. President, I do not like to disagree with my learned colleague from Allegheny County, but I am going to tell you about the modern means of transportation. I represent a District about the size of the State of Connecticut right now, and it takes me two and one-half hours to go from Renovo to the Sayre-Athens-South Waverly area. What is reflected in my District is the same kind of thing for people in the House of Representatives.

For instance, Carmel Sirianni represents parts of three counties. Joe Grieco reaches from Woodward Township all the way down to Turbotville. That does not mean much to you, I realize, but I can tell you it is quite a distance. The gentleman from Venango, Senator Frame, represents an area larger than the States of Connecticut and Rhode Island put together. No matter what you do to reduce the size, whether you are bringing it up from the present bill—what all of them are doing is taking it down from the present number of Representatives—you are doing a disservice, I think, to rural Pennsylvania.

I was talking to the gentleman from Montgomery, Senator Tilghman, a year ago on this subject. He can walk across his District in twenty minutes. In twenty minutes time I have not covered very much of my District. I frankly think that the idea of reducing the House of Representatives and the Senate thinking you are going to get better representation, you are going to get more efficient representation, makes a real mistake.

Frankly, I do not think we have an awful lot of trouble handling fifty of us here. There are a couple we have some trouble with, but most of all we get our work done pretty efficiently.

Personally, representing a rural district, I have to say no, no, no on all amendments and all bills. I guess that makes me a good Republican, I am for the status quo.

Senator MCKINNEY. Mr. President, I would like to ask the gentleman, on which side of the aisle are those two with whom we have trouble?

Senator EWING. Mr. President, just to be sure that my amendments are understood, the size of the Senate would not be reduced, it would be increased. The bill calls for forty Members in the Senate and the amendments call for fifty Members, the present size of the Senate. They would not reduce the size of the Senate, only the House of Representatives.

Again, it would increase the terms of the Members of both Bodies.

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

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

Senator LENTZ. Mr. President, I want the record to show before the roll call is announced that the reason I took issue with the amendments of the gentleman from Allegheny, Senator Ewing, is, I was given misinformation by another Member of this Body.

Senator ROMANELLI. Mr. President, I would like to assure the gentleman from Lycoming, Senator Hager, that my District comprises Center City of Pittsburgh, and it

takes me two and one half hours to go from one end to the other also.

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

YEAS—28

Andrews,	Holl,	Nolan,	Scanlon,
Dwyer,	Howard,	Noszka,	Smith,
Early,	Kelley,	O'Pake,	Snyder,
Ewing,	Lentz,	Orlando,	Stapleton,
Fleming,	Manbeck,	Reibman,	Sweeney,
Frame,	McKinney,	Romanelli,	Wood,
Hobbs,	Murphy,	Ross,	Zemprell,

NAYS—21

Ammerman,	Hager,	Kury,	Moore,
Arlene,	Hankins,	Lewis,	Murray,
Bell,	Hess,	Lynch,	Myers,
Coppersmith,	Hill,	Mellow,	Stauffer,
Dougherty,	Jubelirer,	Messinger,	Tilghman,
Duffield,			

So the question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

AMENDMENTS OFFERED

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

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting: Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a unicameral General Assembly composed of one hundred members.

Amend Bill, page 1, lines 6 through 8; page 2, lines 4 through 14, by striking out all of said lines and inserting:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of Article XI thereof:

That sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13, Article II of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 1. Legislative Power.—The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of [a Senate and a House of Representatives] one hundred members.

Section 2. Election of Members; Vacancies.—Members of the General Assembly shall be chosen at the general election [every second year]. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur [in either House], the presiding officer [thereof] shall issue a writ of election to fill such vacancy for the remainder of the term.

Section 3. Terms of Members.—[Senators] Members shall be elected for the term of four years and [Representatives for the term of two years], except that at the first general election after the adoption of this amendment, members from odd numbered districts shall be elected for a term of two years and members from even numbered districts shall be elected for terms of four years.

Section 4. Sessions.—The General Assembly shall be a continuing body during the term for which its [Representatives] members are elected. It shall meet at twelve o'clock noon on the first

Tuesday of January each year. Special sessions shall be called by the Governor on petition of a majority of the members [elected to each House] or may be called by the Governor whenever in his opinion the public interest requires.

Section 5. Qualifications of Members.—[Senators] Members of the General Assembly shall be at least twenty-five years of age [and Representatives twenty-one years of age]. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their terms of service.

Section 6. Disqualification to Hold Other Office.—No [Senator or Representative] member of the General Assembly shall, during the time for which he was elected, be appointed to any civil office under this Commonwealth to which a salary, fee or perquisite is attached. No member of Congress or other person holding any office (except of attorney-at-law or in the national guard or in a reserve component of the armed forces of the United States) under the United States or this Commonwealth to which a salary, fee or perquisite is attached shall be a member of [either House] the General Assembly during his continuance in office.

Section 8. Compensation.—The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of [either House] the General Assembly shall during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Section 9. Election of Officers; Judge of Election and Qualifications of Members.—[The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives] the General Assembly shall elect one of its members as Speaker. [Each House] It shall choose its other officers, and shall judge of the election and qualifications of its members.

Section 10. Quorum.—A majority of [each House] the General Assembly shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Section 11. Powers of [Each House] the General Assembly; Expulsion.—[Each House] The General Assembly shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to [either House] the General Assembly, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Section 12. Journals; Yeas and Nays.—[Each

House] The General Assembly shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Section 13. Open Sessions.—The sessions of [each House] the General Assembly and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Section 2. That section 14 of Article II of the Constitution of Pennsylvania be repealed.

Section 3. That sections 15 and 16 and subsection (b) of section 17, Article II of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 15. Privileges of Members.—The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of [their respective Houses] the General Assembly and in going to and returning from the same; and for any speech or debate in [either House] the General Assembly they shall not be questioned in any other place.

Section 16. Legislative Districts.—The Commonwealth shall be divided into [fifty senatorial and two hundred three representative] one hundred legislative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. [Each senatorial district shall elect one Senator, and each representative district one Representative.] Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming [either a senatorial or representative] a legislative district.

Section 17. Legislative Reapportionment Commissions.—***

(b) The commission shall consist of [five] three members: [four] two of whom shall be the majority and minority leaders of [both the Senate and the House of Representatives] the General Assembly, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than the fourth Monday in January of the year following the year in which the Federal decennial census is officially reported as required by Federal law, the [four] two members shall be certified by the [President pro tempore of the Senate and the] Speaker of the [House of Representatives] General Assembly to the elections officer of the Commonwealth who under law shall have supervision over elections.

The [four] two members within forty-five days after their certification shall select the [fifth] third member, who shall serve as chairman of the commission, and shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official holding an office to which compensation is attached.

If the [four] two members fail to select the [fifth] third member within the time prescribed, a majority of the entire membership of the Supreme Court within thirty days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.

Any vacancy in the commission shall be filled within fifteen days in the same manner in which such position was originally filled.

* * *

On the question,

Will the Senate agree to the amendments?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Venango, Senator Frame, will state it.

Senator FRAME. Mr. President, it would appear that the amendments offered by the distinguished gentleman from Westmoreland, Senator Kelley, is in direct conflict with the amendment the Senate just inserted into House Bill No. 2 and, therefore, is out of order at this time.

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

AMENDMENTS WITHDRAWN

Senator KELLEY. Mr. President, exercising the prerogative of the Senate, a Member to his colleagues, with the understanding that I will have the opportunity to offer the amendments tomorrow, I ask leave to withdraw them. I would like to exercise the prerogative to my colleagues so that they would know and not be held in surprise to what is coming tomorrow. The amendments call for a unicameral body.

The PRESIDENT. The Chair thanks the gentleman and grants the request to withdraw the amendments and suggests that he, or someone on his staff, communicate with the Legislative Reference Bureau either tonight or in the morning and have the amendments drawn to the amended bill so they do fit in place.

The PRESIDENT. House Bill No. 2 will go over, as amended.

SB 1241 CALLED UP OUT OF ORDER

SB 1241 (Pr. No. 2053)—Without objection, the bill was called up out of order, from page 12 of the Third Consideration Calendar, by Senator NOLAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1241 (Pr. No. 2053)—Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1, page 2, line 1, by striking out "TWENTY" and inserting: fifteen

On the question,

Will the Senate agree to the amendment?

Senator HILL. Mr. President, last Tuesday we had a debate on this same bill wherein we originally had in the bill a reduction of peremptory challenges from twenty to ten and the gentleman from Fayette, Senator Duffield, amended the bill to restore it back to ten. In other words, prior to this bill being introduced, and in the present law, it is twenty peremptory challenges in a capital case. The bill called for it to be reduced to ten from twenty. The gentleman from Fayette, Senator Duffield, amended it back to twenty and we debated that.

Mr. President, this is an amendment to make it fifteen instead of twenty. I will simply point out to the Members once again that, of the various states that have peremptory challenges, thirteen of them have under ten,

fourteen of them have between ten and fifteen and thirteen have over fifteen, or over twenty, actually.

Mr. President, I think that the courts have requested this amendment to reduce the number of peremptory challenges. We had testimony at the Judiciary Committee hearings from defense attorneys and from the district attorneys that this was very important to getting the business of the courts expedited; that it would save money and that it was much more fair to have a less number of peremptory challenges than twenty. Because what happens now is that if, for example, you have a minority group on the jury panel and you have twenty peremptory challenges, they will all be stricken off—either way, whether it is whites or blacks. This will permit some minority representation on juries and I think it will be a good thing to make it fifteen instead of twenty.

Senator ANDREWS. Mr. President, we debated this issue at length last Tuesday and I do not expect to extend that debate again today. I served three years as district attorney. I think twenty peremptory challenges is a far fairer number than fifteen. We had a choice on the floor last week and the membership voted to make it twenty.

Finally, Mr. President, I would like to say that the recommendation of the court is one of which I would be most skeptical and I would certainly urge my colleagues to reject this particular amendment.

Senator DUFFIELD. Mr. President, we went into this at length last week and there is no use going into all the details again. It has been twenty peremptory challenges; it has been the law of Pennsylvania for generations. The gentleman from Philadelphia, Senator Hill, attempted to cut it down to ten. We are talking here about capital cases, about murder cases, we are not talking about felonies or anything of that sort. We are talking about very serious cases, and they involve murder cases. The gentleman from Lawrence, Senator Andrews, who has been a district attorney, feels that the district attorneys need twenty challenges. As I stated before, having represented thirty-nine murder cases as a defense attorney, I feel the defense needs it. There has been no proper arguments made. We are playing on numbers here. Apparently the gentleman from Philadelphia, Senator Hill, did not get his ten, now he wants his fifteen. It has been twenty for a long time, for generations, and I can see no reason to change it and, as a practical matter, we talk about the states. New York, Michigan and all the larger states have over twenty and California, probably the most progressive state as far as legal jurisprudence is concerned, recently put theirs up to twenty-six challenges. Most of the states are going the opposite way and, in order to appease two judges that came here and testified and one defense attorney, with no district attorneys that I know of appearing before the committee, we therefore want to change it. I think it is just a play of numbers here and I cannot see any necessity for depriving the Commonwealth and the defense both of twenty challenges when it comes to murder cases, capital cases.

Senator HILL. Mr. President, there was a representative of the District Attorney's office of Philadelphia at that hearing. He very vigorously requested that it be reduced from twenty to ten. Now we are asking to have it fifteen.

I want to point out one other thing which I think is worthy of stressing. A defendant with a lot of funds—

and I have said this before, but I will say it again—has a tremendous advantage when you have a lot of peremptory challenges, because he can hire sociologists and psychologists and make a tremendous study of the profile of each prospective juror from the jury panel as a whole. This is the reason that the Joan Little case was won. The attorney in North Carolina so acknowledged this fact. This is the reason the John Mitchell case in New York City was won—and the Maurice Stans case—because these people were able to make a study of the jury panel. This was acknowledged by the attorneys involved in those cases.

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

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

YEAS—21

Ammerman,	Howard,	Messinger,	Smith,
Coppersmith,	Jubelirer,	Murray,	Snyder,
Early,	Lewis,	Myers,	Stapleton,
Ewing,	Lynch,	O'Pake,	Stauffer,
Fleming,	Manbeck,	Ross,	Sweeney,
Hill,			

NAYS—26

Andrews,	Hankins,	McKinney,	Reibman,
Bell,	Hess,	Mellow,	Romanelli,
Dougherty,	Hobbs,	Murphy,	Scanlon,
Duffield,	Holl,	Nolan,	Tilghman,
Dwyer,	Kelley,	Noszka,	Wood,
Frame,	Kury,	Orlando,	Zemprelli,
Hager,	Lentz,		

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEAS—45

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

NAYS—4

Andrews,	Duffield,	Kury,	Lentz,
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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.

REMAINING THIRD CONSIDERATION CALENDAR OVER IN ORDER

All remaining bills on today's Third Consideration Cal-

endar not considered were passed over in their order at the request of Senator NOLAN.

SECOND CONSIDERATION CALENDAR

SB 1516 CALLED UP OUT OF ORDER

SB 1516 (Pr. No. 1997)—Without objection, the bill was called up out of order, from page 20 of the Second Consideration Calendar, by Senator NOLAN.

BILL ON SECOND CONSIDERATION AMENDED

SB 1516 (Pr. No. 1997)—The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senators DWYER and ROSS offered the following amendment and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 1, page 1, lines 15 through 17, by striking out all of said lines and inserting:

Section 1. Section 204, act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

(37) The sale at retail by bicentennial commissions created by the Commonwealth or its political subdivisions.

Section 2. Sections 220, 336 and 403.1 of the act amended June 27, 1974 (P. L. 376, No. 126) are amended to read:

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

HB 2123 CALLED UP OUT OF ORDER

HB 2123 (Pr. No. 2752)—Without objection, the bill was called up out of order, from page 24 of the Second Consideration Calendar, by Senator NOLAN.

BILL ON SECOND CONSIDERATION

HB 2123 (Pr. No. 2752)—Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

REMAINING SECOND CONSIDERATION CALENDAR OVER IN ORDER

All remaining bills on today's Second Consideration Calendar not considered were passed over in their order at the request of Senator NOLAN.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEE

Senator KELLEY, from the Committee on Law and

Justice, rereported, as committed, **HB 1082**; reported, as committed, **HB 2142** and **2354**; as amended, **HB 1811**.

SENATE CONCURRENT RESOLUTIONS

MEMORIALIZING CONGRESS TO AMEND CONSTITUTION GUARANTEEING RIGHTS TO THE UNBORN

Senator KELLEY offered the following resolution (**Serial No. 244**), which was read and referred to the Committee on Public Health and Welfare:

In the Senate, June 21, 1976.

Medical and scientific analyses has produced evidence that a human embryo or fetus exists as a living and growing human individual from the time of conception and that the moment of birth represents merely an identifiable point along the course of human development, not the beginning of human life.

Respect for human life, including unborn human life, is essential to the preservation of civilized society as we know it.

The decision of the United States Supreme Court in *Roe vs Wade* and companion cases has raised the perplexing question as to whether or not all legal protection has been withdrawn from an entire class of human beings, the unborn. Withdrawal of legal protection of the life of any individual member of a society imperils the right of life of every other member of that society. Only an amendment to the United States Constitution will guarantee protection of all human life; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to pass an amendment to the United States Constitution guaranteeing that all constitutional rights, including due process and equal protection of the law, apply to the unborn in the same manner and to the same extent as to all other citizens of the United States; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.

MEMORIALIZING CONGRESS TO DEFEAT WATERWAYS USERS TAX

Senators NOLAN, ROMANELLI, SCANLON and EARLY offered the following resolution (**Serial No. 245**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 21, 1976.

WHEREAS, The administration of President Ford has proposed that the Congress of the United States consider enacting a Waterways User Tax under the guise of conserving energy; and

WHEREAS, The effect of such taxation would substantially fuel the fires of inflation by greatly increasing the cost of raw materials and finished products transported by barges; and

WHEREAS, The users of public canals already are taxed for the costs of canal and lock construction; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to defeat the proposed Waterways User Tax program; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of the Congress of the United States and to each senator and representative from Pennsylvania in the Congress of the United States.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the residents of Gregg Township of Union County by Senator Kury.

Congratulations of the Senate were extended to Mr. and Mrs. Benjamin F. Young, Jr. by Senator Lentz.

Congratulations of the Senate were extended to the Bradford Area High School Marching Band by Senator Frame.

BILLS ON FIRST CONSIDERATION

Senator ZEMPRELLI. 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:

HB 748, 1811, 2142 and 2354.

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

PETITIONS AND REMONSTRANCES

Senator LYNCH. Mr. President, I would like to have a Resolution of the Pennsylvania AAA Federation made a part of the record.

(The following Resolution of the Pennsylvania AAA Federation was made a part of the record at the request of the gentleman from Philadelphia, Senator LYNCH:)

PENNSYLVANIA AAA FEDERATION

70th Annual Meeting

June 9-11, 1976

RESOLUTION

WHEREAS the original Pennsylvania Motor Vehicle Code, drafted in 1926, had become progressively archaic, cumbersome, and unwieldy in terms of driver and motor vehicle needs; and

WHEREAS the complex task of developing a modern Vehicle Code for Pennsylvania was met through outstanding efforts and personal judgment by Representatives, Senators, governmental officials, and personnel from the private and business sector; and

WHEREAS through the channels of the legislative process there has emerged a modern Vehicle Code of great benefit to Pennsylvania's driving public; be it therefore

RESOLVED that the Pennsylvania AAA Federation and its 38 motor clubs hereby commend the Pennsylvania House of Representatives, the Pennsylvania Senate; and specifically the Transportation Committees of those two chambers as well as the House-Senate Conference Committee on HB 1817 for their individual and collective achievement on behalf of the motor-ing public.

ANNOUNCEMENTS BY THE SECRETARY

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

Time	COMMITTEE MEETINGS	Room
TUESDAY, JUNE 22, 1976		
9:00 A.M.	FINANCE to consider Senate Bills No. 874, 1531, 1578; House Bill No. 2074	168
9:15 A.M.	ENVIRONMENTAL RESOURCES to consider Senate Bill No. 1248; House Bills No. 293 and 1463	Majority Caucus Room
9:30 A.M.	LOCAL GOVERNMENT to consider Senate Bills No. 327, 1310, 1491 to 1497, 1528, 1549, 1550 and House Bills No. 848, 1036, 1804, 1932 and 2228	Local Gov't Comm. Conference Room, room 633
10:00 A.M.	APPROPRIATIONS to consider Senate Bills No. 144, 1103, 1556; House Bills No. 2172, 2227 and 2448	350
10:30 A.M.	JUDICIARY to consider Senate Bills No. 996, 1350, 1474 and House Bill No. 412	172
10:30 A.M.	LAW AND JUSTICE to consider the nomination of Ralph O. Barnett as a member of the Liquor Control Board	Majority Caucus Room
12:00 Noon	RULES AND EXECUTIVE NOMINATIONS	Rules Committee Conference Room
12:30 P.M.	STATE GOVERNMENT to consider Senate Bills No. 1203, 1620, 1621; House Bills No. 1377 and 1953	350
WEDNESDAY, JUNE 23, 1976		
10:30 A.M.	CONFERENCE COMMITTEE to consider Senate Bill No. 33	168
12:00 Noon	LABOR AND INDUSTRY to consider Senate Bills No. 826, 1534, 1535, 1536, 1537, 1538, 1566, 1567, 1568; Senate Resolution No. 243; House Bills No. 1044, 1819, 2010 and 2118	Majority Caucus Room
FRIDAY, JUNE 25, 1976		
9:30 A.M.	Members for the Special Committee to Investigate the Problem of Driving under the Influence of Alcohol, Senate Resolution No. 41 (Public Hearing)	City-Council Chamber of City Hall, 7th & State Sts. Erie, Penna.

ANNOUNCEMENT BY MAJORITY LEADER

Senator NOLAN. Mr. President, we will be here in Session tomorrow morning at 11:00 o'clock. It is our intention to move all those bills on Third Calendar that we intended to move today before we go to caucus, so that there will be a vote when we come on the floor tomorrow morning.

ADJOURNMENT

Senator NOLAN. Mr. President, I move that the Senate do now adjourn until Tuesday, June 22, 1976, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:40 p.m., Eastern Daylight Saving Time.